

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	19-CR-00576(BMC)
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	January 31, 2023
GENARO GARCIA LUNA,	:	9:30 a.m.
	:	
Defendant.	:	

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REDACTED TRANSCRIPT OF CRIMINAL CAUSE ON TRIAL
BEFORE THE HONORABLE BRIAN M. COGAN
UNITED STATES SENIOR DISTRICT JUDGE, and a jury

A P P E A R A N C E S:

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Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

Proceedings

624

1 (In open court; jury not present.)

2 (Defendant present.)

3 THE COURTROOM DEPUTY: All rise.

4 THE COURT: Have a seat, please.

5 We have a couple of things to talk about before we
6 bring in the jury.

7 First, we have a note from Juror No. 7 which says
8 question for Judge: Are the affidavits and written
9 transcripts of some of the witnesses, discussions with DEA, or
10 Government evidence that the jury can review during
11 deliberations?

12 My proposal, subject to hearing your views, is that
13 I simply tell the jury we have a note from one of you. Please
14 hold off until we have given you final instructions which may
15 answer a lot of the questions that come up in trial. If it
16 hasn't, then give us that note again and we will consider it
17 at that time.

18 MR. DE CASTRO: That's fine with us, Judge.

19 MS. KOMATIREDDY: Us too, Judge. Thank you.

20 THE COURT: Second, with regards to the government's
21 letter this morning about calling the clerk, first of all, I'm
22 not inclined to do that. If I'm going to allow that
23 deflection of the affirmative evidence of innocence that the
24 jury might draw from that, I am probably going to give them an
25 instruction of how the appointment of counsel works.

Proceedings

625

1 I don't think you need a witness for that. I can do
2 that, but I want to know what the defendant's position is on
3 that.

4 MR. DE CASTRO: Judge, we haven't even -- that
5 letter came in when we were sitting in court. I haven't even
6 looked at it.

7 THE COURT: Let's put off that witness a little bit
8 until the defense has a chance to do it. Let me just ask this
9 question as background: Assets have been frozen; right?

10 MS. KOMATIREDDY: You know what, Your Honor, I would
11 need to look into that.

12 THE COURT: These are questions for you to consider.

13 MS. KOMATIREDDY: Yes.

14 THE COURT: Have assets been frozen? And number
15 two, by whom, if they have?

16 MS. KOMATIREDDY: Okay.

17 THE COURT: Think about that. I understand the
18 defense's concern that you do not want the jury to think that
19 you are a high-paid team of private lawyers. I got that.

20 At the same time, I don't want the jury to think,
21 oh, how could he have done what he's accused of if he doesn't
22 have any money. That's what I mean by the affirmative
23 showing.

24 MR. DE CASTRO: Judge, I totally hear you on that,
25 which is why, for example, you didn't even know I mentioned it

Proceedings

626

1 in opening because it was just in my introduction. That's was
2 it. I'm sitting here making a huge issue.

3 THE COURT: Right, but you could do it again in
4 closing.

5 MR. DE CASTRO: I don't intend to do an entire
6 chapter and verse on that piece. Absolutely not.

7 THE COURT: The Government may still feel I need to
8 dissipate; and the question is how if it gets done, how that
9 needs to get done.

10 MR. DE CASTRO: Sure.

11 THE COURT: Let's have the jury please.

12 I also wouldn't mind the parties talking about how
13 to work out this problem.

14 MS. KOMATIREDDY: We'll work on some proposed
15 language, Your Honor, and run it by the defense.

16 (Jury enters.)

17 THE COURT: Everyone, be seated. Good morning,
18 ladies and gentlemen.

19 THE JURY: Good morning.

20 THE COURT: We have received a note from one of you
21 asking a question about what you're going to get during
22 deliberations. I'm going to ask you to just hold your
23 questions for now. I think this will all be clarified when I
24 give you the final instructions. Then when you go to
25 deliberate, if you still have questions, you can, obviously,

Proceedings

627

1 ask me those and that will be fine. I think all will be
2 revealed in all likelihood. Just hang on until we get there.

3 The Government's next witness.

4 MS. REID: Your Honor, the Government calls Adrian
5 Ibanez.

6 THE COURT: Okay.

7 **ADRIAN IBANEZ,**

8 called as a witness, having been first duly
9 sworn/affirmed, was examined and testified as follows:

10 THE COURTROOM DEPUTY: Good morning, sir, before you
11 sit, can I have you raise your right hand.

12 (Witness sworn.)

13 THE COURTROOM DEPUTY: Thank you, please be seated.
14 Can I ask you to state your name for the record.

15 THE WITNESS: My name is Adrian Ibanez.

16 THE COURTROOM DEPUTY: Spell your last name for the
17 Court.

18 THE WITNESS: I-B-A-N-E-Z.

19 THE COURTROOM DEPUTY: Thank you, sir.

20 THE COURT: All right. You may inquire.

21 MS. REID: Thank you, Your Honor.

22 (Continued on next page.)
23
24
25

Ibanez - direct - Reid

628

1 ADRIAN IBANEZ,

2 called as a witness, having been first duly

3 sworn/affirmed, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. REID:

6 Q Good morning, Mr. Ibanez.

7 THE COURT: Do you see her down there?

8 THE WITNESS: Yes, I saw her.

9 Q What do you do for a living?

10 A I am a field intelligence manager assigned to the DEA's
11 El Paso Intelligence Center.

12 Q What is the El Paso Intelligence Center for the DEA?

13 A It is a law enforcement support center assisting our
14 federal, state, and local partners.

15 THE COURT: Pull that microphone closer to you, sir.

16 Q And about how long have you worked with the DEA?

17 A For over 20 years.

18 Q I want to direct you to October of 2007. What position
19 did you hold with DEA then?

20 A At that time, I was an intelligence research specialist
21 assigned to the Guadalajara, Mexico resident office for the
22 DEA.

23 Q What were your duties as an intelligence research
24 specialist in that office?

25 A I assisted the agents with research, supporting their

Ibanez - direct - Reid

629

1 cases or supporting their -- as we support our foreign host
2 counterparts.

3 Q What parts of Mexico did the DEA Guadalajara office
4 cover?

5 A We covered the States of Jalisco, Colima, and
6 Aguascalientes.

7 Q If I can, I would like to pull up what's in evidence as
8 Government Exhibit 325.

9 THE COURT: Let's try different inputs. It's on one
10 of them.

11 Q While we are waiting for that, did any major Mexican
12 seaports fall under the supervision of the Guadalajara office?

13 A Yes. The Port of Manzanillo Colima fell under our
14 jurisdiction.

15 Q What is that port?

16 A It's a cargo container port where goods enter Mexico from
17 foreign locations.

18 Q How do cargo containers enter the port?

19 A They usually come on large cargo ships, usually stack
20 inside and outside; and they come into the port and are they
21 are offloaded.

22 Q Looking at 325, can you show us the areas, first of all,
23 where the Guadalajara office supervised when you were in
24 Mexico?

25 A Yeah, it's pretty much... more or less.

Ibanez - direct - Reid

630

1 Q Okay. And you have made a circle on the lower left part
2 of the screen?

3 Now, I also want to show you a couple of other
4 exhibits, which are not in evidence yet.

5 MS. REID: First, for identification, can we see
6 Government Exhibit 318.

7 I don't know if it's possible to clear the screen.

8 Q Do you recognize this?

9 A Yes.

10 Q What is this?

11 A A map of Mexico, I believe showing -- it's not zoomed in,
12 but I think it is showing the Port of Manzanillo.

13 Q Does this map appear to be a fair and accurate map of
14 Mexico?

15 A Yes.

16 Q Sorry. Just wait for me to clear the screen.

17 THE COURT: Are you moving it into evidence?

18 MS. REID: I would like to.

19 I would ask that this be moved into evidence.

20 MS. GOTLIB: No objection, Your Honor.

21 THE COURT: Received.

22 (Government's Exhibit 318 received in evidence.)

23 Q And looking at 318 when it comes up.

24 MS. REID: I would like to clear the screen if I
25 can. Thank you.

Ibanez - direct - Reid

631

1 Q Can you just show us on here where the Port of Manzanillo
2 is?

3 A (Indicating).

4 Q Thank you. You have made a circle around the port.

5 Now, I would like to show you 316 and 317 for
6 identification.

7 That's 316 and 317.

8 Do you recognize those.

9 A Yes. It appears to be the Port of Manzanillo.

10 Q Do these appear to be fair and accurate pictures of the
11 Port of Manzanillo?

12 A Yes.

13 MS. REID: I would ask that 316 and 317 be admitted
14 into evidence.

15 MS. GOTLIB: No objection, Your Honor.

16 THE COURT: Received.

17 (Government's Exhibits 316 and 317 received in
18 evidence.)

19 Q Looking at 317 to start, can you tell us what we are
20 looking at?

21 A You are looking at the offloading site where the cargo
22 ships come in. There are thee large cranes that are taking
23 off the cargo containers.

24 Q Looking at 316 briefly, what is this?

25 A The same view just a different angle.

Ibanez - direct - Reid

632

1 Q I want to now direct you to October 2007. In that month
2 did the DEA take action with respect to the Port of
3 Manzanillo?

4 A Yes. We received a tip from our DEA Tijuana office of a
5 large amount of cocaine at the port. We were provided with
6 come container numbers. I then did research on those
7 container numbers. There are some maritime databases.
8 Discovered that they were at the Port of Manzanillo and they
9 arrived via cargo ship *Esmereida*.

10 Q Once you got the tip and did the investigation, what did
11 you do?

12 A We pass information off to our Mexican federal police
13 counterparts at the Port of Manzanillo.

14 Q Was that information sensitive?

15 A It was sensitive because it was actionable information.

16 Q I want to now direct to you on or about October 31st of
17 2007.

18 What happened that day?

19 A We were informed by our Mexican counterparts that they
20 did detect cocaine concealed within those containers. We had
21 agents at the port at the time.

22 Q When you say you had agents at the port, did DEA agents
23 go to the Port of Manzanillo?

24 A Yes, ma'am.

25 Q Why did they go?

Ibanez - direct - Reid

633

1 A It was customary whenever a seizure was about to take
2 place we would send agents to the port in a sense to apply
3 pressure to let them know we were -- the Mexico government
4 that we were interested in what was going on. That we wanted
5 to make sure that they searched the container properly.

6 Q Why was it important in your experience to apply
7 pressure?

8 A We had other incidents in the past where if we did not
9 apply pressure or if we did not go to the site to help to
10 oversee the interdiction, or to be there to observe it, then
11 we're not sure if it would happen. It was hit or miss.

12 Q Were the containers in this instance searched?

13 A Yes, they were.

14 Q And approximately how much cocaine was recovered?

15 A 23.5 metric tons.

16 Q I want to direct you now to November 27, 2007. On or
17 about that day, did you take any additional steps related to
18 this seizure?

19 A Yes. Me and two agents went out to the Port of
20 Manzanillo. The Mexican government was going to display all
21 the cocaine that was seized and have a photo op.

22 Q Just to be clear, was this about a month after the
23 seizure?

24 A Yes, ma'am.

25 Q Had there been a continuous DEA presence at the Port of

Ibanez - direct - Reid

634

1 Manzanillo throughout that month?

2 A No, they were just at the port. And once the cocaine was
3 reported as being seized, then they returned to Guadalajara.

4 Q Now, when you got to the port on November 27, 2007, who
5 else was there?

6 A Among, there was a lot of government of Mexico agencies
7 there. You had the federal police. You had members from the
8 prosecutors office. You had people from the Navy. From the
9 army.

10 Q What happened when you got to -- first of all -- sorry --
11 do you know whether or not all of those agencies or groups
12 were involved in the seizure?

13 A No. I believe it was just a photo op. I think the two
14 primaries were the Navy who was at the Port of Manzanillo and
15 the federal police.

16 Q When you got to the port, what happened?

17 A They took us to wear a basketball court was. And then
18 there was two containers off to the side of the court. They
19 opened those containers, which were filled with cocaine
20 bundles. And then they began to remove those bundles and lay
21 them; and they covered the entire basketball court.

22 Q I want to show what has been marked for identification as
23 Government Exhibits 202-3 through 202-6, 202-11, 202-12, and
24 202-14. Just one moment.

25 MS. REID: Your Honor, we are having some technical

Ibanez - direct - Reid

635

1 difficulties. May I approach with some of these?

2 THE COURT: Sure.

3 MS. REID: Thank you.

4 Q All right. So looking first at 202-3 through 202-6, do
5 you recognize those?

6 A Yes. Those are the pictures at the port when the Navy
7 started unloading the containers.

8 Q Do they fairly and accurately depict what happened at the
9 Port of Manzanillo on November 27, 2007?

10 A Yes.

11 Q And how about 202-12 and 202-14?

12 A Those are the containers that they had pulled aside.

13 Q And I have one more. I'm sorry. 202-11.

14 A Yes, that's one of the containers.

15 Q And are those fair and accurate pictures of things you
16 observed on November 27, 2007?

17 A Yes.

18 MS. REID: I'd ask that these all be moved into
19 evidence 202-3 through 202-6, 202-11, 202-12, and 202-14.

20 MS. GOTLIB: No objection, Your Honor.

21 THE COURT: Received.

22 (Government's Exhibits 202-3 through 202-6, 202-11,
23 202-12, and 202-14 received in evidence.)

24 Q If we can just go through each one.

25 Looking at 202-3, what's happening here?

Ibanez - direct - Reid

636

1 A Yep, that's when they had already kind of stacked it on
2 top of the basketball court, the length of the court.

3 Q Tell us what we are looking at. What are these little
4 brick-shaped objects on the court?

5 A Those are the bundles of cocaine.

6 Q And 202-4, what is this?

7 A The same bundles as they were kind of putting them in
8 like a jigsaw puzzle.

9 Q And 202-5, what is this?

10 A Yep, that's when they kind of already had finished and I
11 think they were going to start lining up to take the photos.

12 Q Was this a typical thing to do, by the way, to line all
13 of the cocaine from a seizure up and take photos?

14 A Not in my experience in my whole time in Mexico. This
15 was the only incident.

16 Q What about this seizure warranted this?

17 A The 23.5 metric tons was the largest single cocaine
18 seizure anywhere in the world. I think it still is.

19 Q Looking at 202-6 briefly, what is this?

20 A That's when they initially started to pull the bundles
21 out of the container.

22 Q 202-11, what is this?

23 A That's one of the containers.

24 Q And 202-12?

25 A Those were the containers that they pulled aside.

Ibanez - direct - Reid

637

1 Q Just to be clear, had these come into the port on a ship?

2 A Yes, they came on the *Esmereida*.

3 Q Is the *Esmereida* the name of the ship?

4 A Yes.

5 Q And 202-14, what is this?

6 A That was when we arrived, all the bundles were stacked in
7 one single container.

8 Q Is this the view of an inside of a container as it's
9 become unloaded?

10 A Yes.

11 Q Now, if we can go back to 202-5, after all the cocaine
12 was on the basketball court what happened?

13 A Then each element of the, whether it was federal police
14 or the Mexican military or the Navy, they each kind of formed
15 and then they all took -- they took photo ops of them around
16 the cocaine.

17 Q After this, ultimately what happened to all of this
18 seized the cocaine?

19 A It was eventually burned there at the port.

20 Q I apologize. Did you see images of that?

21 A We were not present for the burn, but we saw online media
22 reporting and saw pictures of the cocaine being burned.

23 Q And I'd like to show you what has been marked for
24 identification only as 202-15.

25 Do you recognize this when it comes up? Do you

Ibanez - direct - Reid

638

1 recognize this?

2 A Yep. That's the picture I remember.

3 Q Of --

4 A The cocaine being burned.

5 Q And is it a fair and accurate picture of what you saw at
6 the time?

7 A Yes.

8 MS. REID: I'd ask that 202-15 be moved into
9 evidence.

10 MS. GOTLIB: No objection, Your Honor.

11 THE COURT: Received.

12 (Government's Exhibit 202-15 received in evidence.)

13 Q And is this a picture of the burning?

14 A Yes, that's a picture of the burning.

15 MS. REID: All right. Thank you. You can take the
16 exhibit down.

17 Q Now, are you familiar with someone named Sergio
18 Villarreal Barragán?

19 A Yes, El Grande. I'm familiar with him.

20 Q And who was that?

21 A He worked for the Beltran Leyva.

22 Q I want to direct you to 2010.

23 Did you have any involvement in Sergio Villarreal
24 Barragán's arrest?

25 A Yes. Our office received a tip of his possible location.

Ibanez - cross - Gotlib

639

1 The location was in the Mexico City area, which is outside our
2 AOR. So I passed that to our DEA Mexico City country office
3 for them to effect the arrest, work with our counterparts.

4 Q What happened next?

5 A They worked with the Navy to effect his arrest, and he
6 was arrested.

7 Q And I want to show you what has been marked for
8 identification as Government Exhibit 435.

9 A Yes.

10 Q What this?

11 A That's El Grande after his arrest.

12 MS. REID: I'd ask that Government Exhibit 435 be
13 accepted into evidence.

14 MS. GOTLIB: No objection.

15 THE COURT: Received.

16 (Government's Exhibit 435 received in evidence.)

17 Q And just tell us who is with Sergio Villarreal Barragán
18 in this picture.

19 A That's the Navy.

20 MS. REID: Just one second.

21 No further questions thank you.

22 THE COURT: Any cross?

23 MS. GOTLIB: Yes, thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. GOTLIB:

Ibanez - cross - Gotlib

640

1 Q Good morning, Agent.

2 A Good morning.

3 Q Just a few questions.

4 So you testified that in October of 2007 that there
5 was -- the DEA coordinated with the government of Mexico to
6 acquire intelligence about cocaine coming into the Port
7 Manzanillo; is that correct?

8 A Well, we received the intelligence and then we pass that
9 to our Mexican counterparts.

10 Q You pass that to the Mexican counterparts; you supplied
11 it to them so they could effectuate the searches?

12 A Yes.

13 Q And the intelligence indicated that the cocaine was
14 coming from Colombia?

15 A I believe the intelligence said it was coming from
16 Colombia; and then I confirmed it when I did the search on the
17 containers on where their origin was.

18 Q Got it. Who did you believe that the cocaine belonged to
19 ultimately?

20 A It belonged to -- probably the -- we -- our suspicion was
21 the Beltran Leyva Cartel.

22 Q The Beltran Leyva Cartel. Thank you.

23 And the Mexican counterpart that you shared this
24 intelligence with, what organization or entity was that?

25 A That was the federal police at the port.

Ibanez - cross - Gotlib

641

1 Q The federal police. Was there a specific unit or arm of
2 the federal police that you shared that information with?

3 A There was a long-standing maritime unit there at the port
4 that had previously been under the AFI, which was the
5 predecessor.

6 Q Got it. Isn't it true that you shared it with the
7 special investigation unit who was under the SSP?

8 A I'm sure they were informed. I think our initial
9 response was to the federal police there that were actually at
10 the port.

11 Q Got it. And this was in 2007?

12 A Yes.

13 Q In 2007, do you know who was the head of the federal
14 police?

15 A I believe it was Genaro. I'm not sure -- I know that he
16 was -- actually, he is the Secretaría de Seguridad Pública,
17 but I can't remember exactly who was the actual head of the
18 federal police at the time.

19 Q But he would be the top of the chain really?

20 A (Witness nods.)

21 Q So he would be on top of the federal police. So that
22 would be Mr. Garcia Luna. Thank you.

23 A Yes.

24 Q And who ended up searching the containers that resulted
25 in these 23, more than 23 tons of cocaine? Who tally did the

Ibanez - cross - Gotlib

642

1 search?

2 A The Navy because the Navy was there at the port.

3 Q The Navy was there, and they did the search.

4 Isn't it true that in addition to the Navy it was
5 also AFI agents that did the search?

6 A They were probably present.

7 Q They were probably present and assisted with the search?

8 A I assume.

9 Q You assume? Okay.

10 Is it fair to say that this was a coordinated effort
11 between U.S. law enforcement and Mexican law enforcement to
12 effectuate I believe what you have described as the single
13 largest cocaine seizure in the history the world possibly?

14 A Well, we passed them the information, and they seized it.

15 Q And then the cocaine was turned over to the Mexican
16 government for safekeeping, and they eventually destroyed it?

17 A Well, they already had possession of it, so they -- we
18 didn't turn it over to them. It was in their possession and
19 they secured it there at the port.

20 Q They secured it, and they kept it for a month in their
21 possession. I think you said it was the 27th or a little bit
22 after the 27th of November when it was destroyed?

23 A Somewhere around that timeframe, yes.

24 Q Somewhere around that time. Okay.

25 And it was in their custody. They safeguarded it.

Proceedings

643

1 And as we saw from that picture, it looks like it was
2 destroyed. Correct?

3 A Correct.

4 Q Got it.

5 MS. GOTLIB: No more further questions.

6 THE COURT: All right.

7 Any redirect?

8 MS. REID: No. Thank you, Your Honor.

9 THE WITNESS: Okay.

10 THE COURT: You may step down. Thank you very much.
11 (Witness leaves the stand.)

12 THE COURT: Next from the Government.

13 MS. REID: Yes, Your Honor. I apologize.

14 First I'd like to read more from Government Exhibit
15 901, a stipulation.

16 THE COURT: Okay. Remember, a stipulation, ladies
17 and gentlemen, this is another part of it. Go ahead.

18 MS. REID: I'm going to read from paragraph two.

19 THE COURT: Read slowly.

20 MS. REID: Yes, Your Honor. We may put it up on the
21 screen, also.

22 THE COURT: Okay.

23 MS. REID: On October 30, 2007, Mexican law
24 enforcement officers seized approximately 23,572.623 kilograms
25 of cocaine from two cargo containers on a ship of the Port of

1 Manzanillo, Mexico. Specifically, officers seized
2 approximately 11,786.332 kilograms of cocaine from container
3 No. CMAU-5151560 and seized approximately 11,786.291 kilograms
4 of cocaine from container No. CMAU-5016299.

5 Samples of the substance seized from container No.
6 CMAU-5151560 and samples of the substance seized from
7 container No. CMAU-5016299 were delivered to the DEA Special
8 Testing and Research Laboratory in substantially the same
9 condition as of the time they were seized.

10 Government Exhibit 202-19 are lab reports prepared
11 by Laura Jones, a duly qualified chemist employed by the DEA's
12 special research -- Testing and Research Laboratory. If
13 called to testify on this subject, Ms. Jones would testify
14 that she performed a chemical analysis on the samples of the
15 substance seized from container No. CMAU-5151560 and
16 determined that they contained cocaine hydrochloride, a
17 Schedule II controlled substance.

18 Ms. Jones would also testify that she performed a
19 chemical analysis on the samples of the substance seized from
20 container No. CMAU-5016299 and determined that they contained
21 cocaine hydrochloride, a Schedule II controlled substance.

22 Thank you.

23 MS. DIOUF: The Government calls Raul
24 Arellano-Aguilera.

25 THE COURTROOM DEPUTY: Please raise your right hand.

Proceedings

645

1 (Witness sworn.)

2 THE COURTROOM DEPUTY: Thank you, please be seated.

3 Can you state your full name for the record.

4 THE WITNESS: Raul Arellano-Aguilera.

5 THE COURTROOM DEPUTY: And spell your last name for

6 the record.

7 THE WITNESS: A-R-E-L-L-A-N-O. A-G-U-I-L-E-R-A.

8 THE COURTROOM DEPUTY: Thank you.

9 THE COURT: You may inquire.

10 MS. DIOUF: Thank you, Your Honor.

11 (Continued on next page.)

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R. Arellano-Aguilera - direct - Diouf

646

1 **RAUL ARELLANO-AGUILERA,**

2 called as a witness, having been first duly

3 sworn/affirmed, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. DIOUF:

6 Q Good morning, sir.

7 A Good morning.

8 Q How old are you?

9 A 52.

10 Q Can you describe your educational background, please?

11 A I am a senior specialist in public security; and I am an
12 instructor of physical education.

13 Q What do you do for a living?

14 A I provide security as a security person.

15 Q How long have you been doing that for?

16 A Approximately ten years.

17 Q What is your nationality?

18 A I'm Mexican.

19 Q Can you describe your professional background, please?

20 A I was a federal police officer for nine years and a
21 physical and education instructor for eight years.

22 Q In what country were you a federal police officer?

23 A In Mexico.

24 Q Are you familiar with the defendant Genaro Garcia Luna?

25 A Yes.

R. Arellano-Aguilera - direct - Diouf

647

1 Q How are you familiar with him?

2 A Because I've seen him, and he was the top boss of the
3 federal police.

4 MS. DIOUF: I'd like to show the witness what's in
5 evidence as Government Exhibit 1.

6 Q Do you recognize the person in this photo?

7 A Yes.

8 Q Who is it?

9 A It's a photograph of Genaro Garcia Luna.

10 MS. DIOUF: And, Your Honor, with your permission,
11 my colleague would like to approach the board and place a
12 photo on it.

13 THE COURT: Sure.

14 Q Mr. Arellano, have you ever personally interacted with
15 Mr. Garcia Luna?

16 A No.

17 Q In what context have you seen him?

18 A I saw him at official ceremonies and parades.

19 Q What sort of parades?

20 A Presentation of parole groups and their delivery or
21 presentation of uniforms.

22 MS. DIOUF: I'd like to show the witness only what
23 has been marked for identification as Government Exhibit 701.

24 Q What is this?

25 A It is a photograph of my federal police credential.

R. Arellano-Aguilera - direct - Diouf

648

1 Q And is this a fair and accurate copy of your federal
2 police credentials?

3 A Yes.

4 MS. DIOUF: At this time, I move to admit and
5 publish to the jury.

6 MR. DE CASTRO: No objection.

7 THE COURT: Received.

8 (Government's Exhibit 701 received in evidence.)

9 Q Is that you in that photo?

10 A Yes, that's me.

11 MS. DIOUF: And at this time I'd like to show the
12 witness only what has been marked for identification as
13 Government Exhibit 705.

14 Q Do you recognize the individual in this photo?

15 A Yes.

16 Q Who is it?

17 A It's me. It's a photo of me.

18 MS. DIOUF: At this time I would move to admit and
19 publish this photo.

20 MR. DE CASTRO: No objection.

21 THE COURT: Received.

22 (Government's Exhibit 705 received in evidence.)

23 Q What are you wearing in this photo?

24 A My tactic uniform.

25 Q When was this photo taken?

R. Arellano-Aguilera - direct - Diouf

649

1 A In 2011.

2 Q You mentioned that you were in the federal police for
3 nine years.

4 What years -- what year did you start in the federal
5 police and what year did you end in the federal police?

6 A I joined the federal police in 2003, and I left the
7 professional prison December 31, 2011.

8 Q Why did you become a police officer?

9 A I followed the example of my father who was a good police
10 officer, and so my brothers and I thought that way. He
11 provided a good home and a good education for us.

12 Q Why did you leave the federal police?

13 A Because I felt very let down, and I was feeling very
14 spent.

15 Q Why did you feel let down?

16 A Because the principles that I had been taught at the
17 police training academy, I felt they had been trampled on.

18 Q Where did you begin your career in Mexican law
19 enforcement?

20 A In Mexico City.

21 MS. DIOUF: Ms. Donovan, you can take the exhibit
22 down, please.

23 Q What were you doing in Mexico City?

24 A We provided security to the various government
25 institutions in Mexico City.

R. Arellano-Aguilera - direct - Diouf

650

1 Q And how long were you on that assignment for?

2 A Three years.

3 Q Where did you go after that?

4 A To the regional security division.

5 Q What is the regional security division?

6 A It's a division of the federal police that provides
7 security on highways and at airports.

8 Q And where specifically were you assigned when you were
9 working in the regional security division?

10 A At the Mexico City Airport.

11 Q And what year did you start at the Mexico City Airport?

12 A I was there in 2007.

13 Q Who was the head of regional security in 2007?

14 A Ramon Pequeno.

15 MS. DIOUF: I would like to show the witness what
16 has been marked for identification as Government Exhibit 3.

17 Q Do you recognize the person in this photo?

18 A Yes.

19 Q Who is it?

20 A It's a photo of Ramon Pequeno.

21 Q Have you seen him in person before?

22 A No.

23 Q Have you seen him at ceremonies before?

24 A Yes.

25 Q Is this photo a fair and accurate depiction of Ramon

R. Arellano-Aguilera - direct - Diouf

651

1 Pequeno?

2 A Yes.

3 MS. DIOUF: I'd move to admit and publish.

4 MR. DE CASTRO: No objection.

5 THE COURT: Received.

6 (Government's Exhibit 3 received in evidence.)

7 Q Who did Ramon Pequeno report to?

8 A To Commissioner Facundo Rosas Rosas and to the Secretary
9 Genaro Garcia Luna.

10 MS. DIOUF: You can take the exhibit down, Ms.
11 Donovan. Thank you.

12 Q In 2007, approximately how many law enforcement officers
13 were there in the federal police?

14 A There were approximately -- there had to have been about
15 40,000 agents.

16 Q Who was the head of airports within regional security
17 when you started working at the Mexico City Airport?

18 A It was Oscar Moreno Villatoro.

19 Q And Oscar Moreno Villatoro report to?

20 A To Ramon Pequeno.

21 Q How long was Ramon Pequeno the head of regional security?

22 A He was replaced by Luis Cardenas Palomino in 2009.

23 MS. DIOUF: Showing the witness what's in evidence
24 as Government Exhibit 2.

25 Q Do you recognize the person in this photo?

R. Arellano-Aguilera - direct - Diouf

652

1 A Yes.

2 Q Who is it?

3 A Luis Cardenas Palomino.

4 Q When Cardenas Palomino became the head of regional
5 security for the federal police, who did he report to?

6 A To Commissioner Facundo Rosas Rosas and to the Secretary
7 of Security, Genaro Garcia Luna.

8 MS. DIOUF: Ms. Donovan, you can take the Exhibit
9 down.

10 Q Mr. Arellano, what was your role at the Mexico City
11 Airport?

12 A I performed surveillance, and I had to provide security
13 for passengers.

14 Q When you worked there, how many terminals did the Mexico
15 City Airport have?

16 A Two terminals.

17 Q How did the Mexico City Airport compare in size to other
18 airports in Mexico?

19 A The Mexico City Airport was a lot -- well, it had the
20 highest flow for flights.

21 MS. DIOUF: I would like show the witness only what
22 has been marked for identification as Government Exhibits 306,
23 307, 308, and 309.

24 Q And, sir, when you have had a chance to review each
25 photo, just let me know you're ready for the next one. So

R. Arellano-Aguilera - direct - Diouf

653

1 this is 306.

2 A Okay.

3 Q 307.

4 A Okay.

5 Q 308.

6 A Okay.

7 Q And 309.

8 A Okay.

9 MR. DE CASTRO: We have no objection to these.

10 THE COURT: All right. Received.

11 (Government's Exhibits 306, 307, 308 and 309
12 received in evidence.)

13 Q Starting with Government 306, what are we looking at
14 here?

15 A It's the entrance to Terminal 2 at the Mexico City
16 Airport.

17 Q Moving to Government Exhibit 307, what are we looking at
18 here?

19 A It's an aerial shot of Terminal 2.

20 Q Moving on to Government Exhibit 308, what is this?

21 A This is where the planes park in Terminal 2.

22 Q And Government Exhibit 309.

23 A This is where the planes come in, in Terminal 2.

24 Q How many days a week did you work at the airport?

25 A I would work 25 consecutive days, and I would rest five

R. Arellano-Aguilera - direct - Diouf

654

1 days.

2 Q On the days that you were working, how many hours did you
3 work in a day?

4 A Eight hours.

5 Q What was your salary?

6 A About 8,000 pesos biweekly.

7 Q Can you describe a typical shift at the airport from
8 start to finish?

9 A Yes. We would show up, and we would be ready for roll
10 call. We would wait for instructions from the bosses; and
11 then we would go to the different areas at the airport
12 depending on the area that had been assigned to us.

13 Q What was the purpose of the federal police presence at
14 the Mexico City Airport?

15 MR. DE CASTRO: Objection.

16 THE COURT: I'll allow it.

17 A To do surveillance and provide security for the
18 passengers.

19 Q Can you describe the layout of the Mexico City Airport?

20 A It Had four areas. You had the transit area, which
21 entailed the main entrances; you had the screening area where
22 you check baggage for flights; the waiting gate areas when you
23 waited for the planes; and the tarmac platforms, which is
24 where the airplanes are.

25 Q These areas that you described, how many do the federal

R. Arellano-Aguilera - direct - Diouf

655

1 police cover?

2 A All of them.

3 Q During that time you worked at the airport, what was the
4 biggest security threat the airport was facing?

5 MR. DE CASTRO: Objection.

6 THE COURT: Overruled.

7 A The illegal traffic of merchandise.

8 Q What sort of merchandise?

9 A Drug, drugs, money and weapon.

10 Q -- how do you know?

11 A Those were part of instruction that is we would receive
12 from our bosses letting us know that we should be on the look
13 out for the type of illegal merchandise.

14 Q What, if anything, did you observe with respect to drug
15 trafficking at the Mexico City Airport?

16 A As time went by, I realized that it was happening.

17 Q What did you realize?

18 A They would give us a weird order by the radio. So this
19 order would tell us that for some time it would say by 45, all
20 in 35, which meant until further order we had to be on standby
21 and that was an order that came from the higher-ups.

22 We couldn't carry out any revisions, any arrests,
23 anything at all; we just had to be there on standby.

24 Q What is the significance of 45 and 35?

25 A We handled codes that we had learned since we joined the

R. Arellano-Aguilera - direct - Diouf

656

1 police. 45 meant by an order from the higher ups.

2 And 35 meant to be on standby.

3 Q Where did you learn these codes?

4 A At the federal police training academy.

5 Q How often were standby command issued?

6 A Once or twice per week.

7 Q What, if anything, did you observe about the standby
8 orders and the arrival of certain flights?

9 A I observed that some colleagues ignored these orders and
10 they would leave and they didn't have any issues. And this
11 was right around the time of certain flights coming in from
12 South America and also taking off to the United States and
13 Europe.

14 Q What were you supposed to do when a standby order was
15 issued?

16 A I had to stay in my area without being able to conduct
17 any revisions or any arrests.

18 Q How did you react to that order?

19 A It was a weird order.

20 (Continued on next page.)

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1 (Continuing.)

2 BY MS. DIOUF:

3 Q Why?

4 A Because, at any point in time, a crime could be committed
5 and we couldn't be searching at all.

6 Q You testified that you observed some of your colleagues
7 leave when these orders were issued, right?

8 A Yes.

9 Q Did you observe them come back?

10 A Yes. Whenever we got the order to resume our normal
11 duties, they would come back.

12 Q About how long were they gone for?

13 A They would be gone for the time the order lasted.

14 Q And how long did these orders typically last for?

15 A From one to two hours.

16 Q What was your colleagues' demeanor like when they
17 returned?

18 A They would usually come back with an attitude that showed
19 that they were very happy. And they hadn't gotten into
20 trouble because they had left.

21 Q How did you and your fellow officers refer to these
22 colleagues who left?

23 A We started calling them "the special group" because they
24 had a lot of advantages.

25 Q Approximately how many officers were in this special

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

658

1 group?

2 A About 30 officers.

3 Q About how many special group officers worked on each
4 shift?

5 A About two per area, more or less.

6 Q Were you part of the special group?

7 A No.

8 Q What are some of the names of the special group officers?

9 A Commander Israel Espinoza, who was the second in command
10 at the airport, Officer Jose Luis Martinez, Officer Mario
11 Nieto, Officer Bailón.

12 Q How do you know these people you mentioned were in the
13 special group?

14 A Many times we bumped into each other during meals or we
15 saw each others on the hallways while we were heading to our
16 own areas.

17 Q How could you tell who was in the special group?

18 A When we were sharing meals, they would always be together
19 and talking about the things that had happened when the
20 special orders had been given.

21 Q Did any of the special group officers try to recruit you
22 into the group?

23 A Sometimes they would tell us --

24 MR. De CASTRO: Objection.

25 THE COURT: Sustained.

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

659

1 MS. DIOUF: Your Honor, if I could have a sidebar.

2 THE COURT: Okay.

3 (Continued on the next page.)

4 (Sidebar conference.)

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SIDEBAR CONFERENCE

660

1 (The following occurred at sidebar.)

2 MS. DIOUF: At this point, I expect the witness --

3 THE COURT: Now I can't hear you. Try it again.

4 MS. DIOUF: At this point, I expect the witness will

5 testify that the standby special group officers talked about

6 what they did during the standby commands that the suitcase

7 for Sinaloa or the Beltráns made it through, and that those

8 contained drugs, and that everyone was happy.

9 THE COURT: That's why I sustained the objection,
10 okay. That's not a statement by co-conspirators, that's an
11 impression that this guy gets from talking to a bunch of
12 unidentified people.

13 MS. DIOUF: The officers in the special group would
14 say these things in front of him.

15 THE COURT: Yeah. Who?

16 MS. DIOUF: He listed several of the officers that
17 were in the group, and specifically --

18 THE COURT: If you can tie it down to any one of
19 them saying any of that, then I'll let you do it.

20 MR. De CASTRO: By the way, in all the 3500 of this
21 witness, this is the first time that we've heard that he named
22 any of the officers in the special group. They've always been
23 this nameless cloud --

24 THE COURT: Good cross.

25 (End of sidebar conference.)(Continued on next page.)

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

661

1 (In open court; Jury present.)

2 BY MS. DIOUF:

3 Q Mr. Arellano, of those officers that you mentioned were
4 in the special group, Martinez, Nieto, Bailón, Israel
5 Espinoza, did you ever hear of any of those officers
6 specifically say what they did during a standby command?

7 A Yes.

8 Q Who?

9 A I pretty much heard them all when we --

10 MR. De CASTRO: Objection. Move to strike.

11 THE COURT: You know, I'm going to allow that. But
12 you got to pay attention to furtherance, okay?

13 MS. DIOUF: Yes, Your Honor.

14 A I pretty much heard them all when we ran into each other
15 during meal time.

16 Q And what did you hear them say?

17 MR. De CASTRO: Objection.

18 THE COURT: Sustained. You got to get -- I've said
19 enough.

20 Q What was the purpose of these conversations you heard
21 them in?

22 MR. De CASTRO: Objection. Objection.

23 THE COURT: Well, she's asking what was his
24 understanding of the purpose of them having these
25 conversations.

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

662

1 A They would usually talk without any discretion at all.

2 MR. De CASTRO: Objection, Your Honor.

3 THE COURT: Well, I didn't hear the answer.

4 MR. De CASTRO: Oh, I'm sorry.

5 A About the fact that they were happy because the --

6 THE COURT: Okay. Sustained. Sustained.

7 Q Did you ever report your colleagues in the special group
8 for disobeying the standby order?

9 A There was -- well, there was no reason for me to do that,
10 because the higher-ups, our bosses were aware of that.

11 MR. De CASTRO: Objection.

12 THE COURT: That's overruled. That's state of mind.

13 Q Please finish the translation.

14 A And the order had been given over the radio from the
15 command office.

16 Q You testified that the officers in the special group
17 spoke without discretion. Did the fact that they spoke
18 without discretion have any impact on you?

19 MR. De CASTRO: Objection. Form.

20 THE COURT: I'll allow it.

21 A Yes, of course, it did because they were discussing the
22 fact that illegal goods had gone through.

23 MR. De CASTRO: Objection.

24 THE COURT: Sustained. Sustained.

25 Q How were members of the special group treated by the

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

663

1 heads of the airport compared to those who weren't in it?

2 A They had a lot of advantages. They could miss work, they
3 could arrive late, nothing ever happened to them.

4 Q What, if anything, did you observe with respect to the
5 wealth of the officers in the special group?

6 A Yes. They would usually drive luxury sports cars.

7 MR. De CASTRO: Judge, I'm going to object to the
8 "they." Could we actually name a person?

9 THE COURT: I don't think that's necessary as to
10 this. I'll overrule that objection.

11 A They wore jewelry.

12 Q Could you afford those cars on your salary?

13 A No.

14 Q You testified that Oscar Moreno Villatoro was head of
15 airport security under Ramón Pequeño; is that right?

16 A Yes. He was the director general of airports.

17 MS. DIOUF: And that name, the court reporter, was
18 Oscar Moreno Villatoro.

19 Q Where was Oscar Morena Villatoro's office?

20 A It had been at the Contel Control Center, but then it was
21 moved to the Mexico City Airport.

22 Q Have you ever seen his office at the Mexico City Airport?

23 A Yes. We would usually go for roll call right outside of
24 his office.

25 Q Did you ever observe anyone visiting Morena Villatora at

1 the Mexico City Airport?

2 A Yes. He would meet with people who were heads of
3 airports.

4 Q And how do you know he was meeting with other airport
5 heads?

6 A Because they would announce themselves when they arrived
7 that they were going in to speak with Commander Villatoro.

8 Q About how often would airport heads visit?

9 A One to two times every two weeks.

10 Q Which airport heads did you observe -- visited most
11 frequently?

12 A The person in charge of the Tijuana airport, the one in
13 Monterrey, the one in Guadalajara, Jalisco, the one for the
14 State of Mexico, the one for Cancún.

15 Q Did these airport heads bring anything with them?

16 A They would usually come with a small briefcase.

17 Q Did you ever see inside the briefcases?

18 A Yes.

19 Q Can you describe?

20 A Yes. We were all there ready for what roll call, and the
21 person in charge of the Toluca Airport came. As he was about
22 to go in to Chief Villatoro's office, one of my fellow
23 officers happened to be coming out of his office. And as they
24 were walking down the hallway which was narrow, they bumped
25 into each other. The briefcase fell, it opened, there was

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

665

1 money inside of it.

2 Q What type of money?

3 A It had dollars in it.

4 Q Approximately when was this?

5 A In 2007.

6 Q How did the head of the Toluca Airport react when the
7 U.S. currency fell out of his briefcase?

8 A He quickly bent down to pick that up and put them back in
9 and then ran off to go into the office of Chief Villatoro.

10 Q What was your reaction when this happened?

11 A I was very surprised.

12 Q Why were you surprised?

13 A Because there was no reason for him to be bringing money
14 to Chief Villatoro vis-à-vis the things we do as police
15 officers.

16 MS. DIOUF: Your Honor, this might be a good time
17 for a break or I can keep going.

18 THE COURT: We'll take a break. Ladies and
19 gentlemen, 15 minutes. Please come back at 11:10. Don't talk
20 about the case.

21 THE COURTROOM DEPUTY: All rise.

22 (Jury exits the courtroom.)

23 THE COURT: Okay. Recess 11:10.

24 (A recess was taken.)

25 THE COURTROOM DEPUTY: All rise.

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

666

1 THE COURT: Okay. Let's get the jury back.
2 Everyone can sit down for just a minute while they're lining
3 up. We did receive a note from the jurors which I've marked
4 as Court Exhibit Number 2. Although this one isn't signed, so
5 I don't know which juror gave it. But I had the same thought
6 this juror had. Could you move the presentation board,
7 difficult for jurors, closest to back of courtroom, to see.

8 I'll leave it to the Government.

9 MS. KOMATIREDDY: Your Honor, may I ask a quick
10 question?

11 THE COURT: Sure.

12 MS. KOMATIREDDY: Just in terms of laying the
13 foundation for in furtherance, I wanted to -- at the risk of
14 looking like I'm asking for advice from the Court, I
15 apologize, we did want to just propose a question. And if
16 it's not acceptable to the Court, we won't go there, but to
17 ask the witness: Without stating what they said to you, did
18 the conversation that the special group have either --

19 (Jury enters the courtroom.)

20 THE COURT: Why don't we continue this at sidebar
21 once the jury is in? Okay. Let me have a sidebar with the
22 lawyers.

23

24 (Continued on the next page.)

25 (Sidebar conference.)

SIDEBAR CONFERENCE

667

1 (The following occurred at sidebar.)

2 THE COURT: How do you want to do it?

3 MS. KOMATIREDDY: In order to avoid hearsay without
4 a foundation, the question would be: Without telling us what
5 they said, did the conversations that the special group have,
6 have the effect either -- either have the effect of dissuading
7 you from reporting them to the authorities, or did you
8 perceive them as intending to recruit you?

9 THE COURT: Two questions.

10 MS. KOMATIREDDY: Or do it as two questions, but
11 with those purposes in mind?

12 THE COURT: Yes, I think that does it.

13 MS. KOMATIREDDY: Okay. Thank you.

14 (End of sidebar conference.)

15 (Continued on the next page.)

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ARELLANO-AGUILERA - DIRECT - MS. DIOUF

668

1 (In open court; Jury present.)

2 MS. DIOUF: May I inquire, Your Honor?

3 THE COURT: Please.

4 BY MS. DIOUF:

5 Q Mr. Arellano, before the break, we talked about the
6 special group. Do you remember that?

7 A Yes.

8 Q Without telling us what the special group members said,
9 did the conversations you overheard have the effect of
10 dissuading you from reporting their activities?

11 A Yes. I felt completely dissuaded from doing that because
12 the number two --

13 MR. De CASTRO: Objection, Judge.

14 THE COURT: Overruled.

15 A -- chief, at the airport would usually be sitting with
16 them eating and talking about those things.

17 Q And without telling us what the special group members
18 said, did -- the conversations you heard, did you perceive
19 them as attempts to recruit you and others?

20 A Yes. Because sometimes they would do it in sort of an
21 arrogant way.

22 Q What did you hear the special group officers discuss?

23 MR. De CASTRO: Objection.

24 THE COURT: Overruled.

25 A They would discuss the fact the suitcase had gone

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

669

1 through. And they said that it had gone through without any
2 problem, usually nothing happening. Then they were happy.

3 Q Did they ever say what was in the suitcases?

4 A Yes. They will say that the 7-9 suitcase had gone
5 through wait a problem or the 4-0 suitcase.

6 Q Are you aware of what 7-9 and 4-0 refer to?

7 A Yes. According to our codes, 7-9 meant drugs, 4-0 was a
8 reference to money.

9 Q Did the special group members say who the suitcases were
10 for?

11 A I did hear a number of times that the suitcase belonged
12 to Sinaloa or the Beltrán Leyvas.

13 Q What, if anything, did the special group say about
14 government officials when they were talking about the suitcases?

15 MR. De CASTRO: Objection.

16 THE COURT: Overruled.

17 A Yes. I did hear that everybody was happy, that they
18 would even say --

19 MR. De CASTRO: Objection, Your Honor.

20 THE COURT: Hold on a second.

21 MR. De CASTRO: Can we have a sidebar on this, Judge?

22 MS. KOMATIREDDY: Your Honor, can we complete the
23 translation first?

24 THE COURT: No. Let's have the sidebar.

25 (Continued on the next page.) (Sidebar conference.)

SIDEBAR CONFERENCE

670

1 (The following occurred at sidebar.)

2 MR. De CASTRO: I objected when I objected, because
3 I know what he's about to say which is, Oh, yeah, you know,
4 they're all happy that Facuna Rosas Rosas and Genaro Garcia
5 Luna they all got their part --

6 THE COURT: No, no. I won't let him say that.

7 MR. De CASTRO: That's what he just said.

8 THE COURT: He said they were all happy.

9 MR. De CASTRO: No, no.

10 THE COURT: That's as far as it got.

11 MR. De CASTRO: Correct.

12 THE COURT: I don't know what's coming.

13 MR. De CASTRO: I know. I know. But I think the
14 Government knows that that's what his answer is going to be.
15 It's all over the 3500, and they -- and then that's why she
16 just said, can you let the translation out first?

17 THE COURT: Look --

18 MR. De CASTRO: This is clear --

19 THE COURT: The Government has now established that
20 there was a conspiracy among these officers, the special
21 group. They've also established that the communications to
22 this witness, the witness perceived as an attempt to recruit,
23 okay. These -- what I was concerned about was rumor and
24 innuendo, oh, everybody knew. But if these people said to him
25 specifically, for example, I know it's not this direct, but if

SIDEBAR CONFERENCE

671

1 they said, you should join us because you know Garcia Luna,
2 he's behind this, he's getting that stuff, that would be
3 admissible. I wouldn't have a problem with that. I just
4 didn't want this guy to say, Everybody knew. He's not doing
5 that. He's being more specific. He's talking about specific
6 statements.

7 MR. De CASTRO: They haven't listed a specific
8 statement. He's talking about this -- they're talking about
9 this cloud of the lunch room where people are -- the
10 perception is he is being recruited. That's --

11 THE COURT: That's how he felt. I'm not hearing, I
12 overheard discussions in the lunch room. I heard, They're
13 saying to me.

14 MR. De CASTRO: Judge, I don't think he's testified
15 to that they said to me. He's hearing them talk to each
16 other.

17 MS. KOMATIREDDY: May I be heard on this?

18 THE COURT: Yes.

19 MS. KOMATIREDDY: First of all, he's identified that
20 the second in the command of the airport is part of the
21 discussions, Jose Luis and several other individuals have been
22 identified are part of that -- Rey Zambada identifies Jose
23 Luis as one of the individuals that he sent payment to at the
24 airport.

25 In addition, the statement is in furtherance of the

SIDEBAR CONFERENCE

672

1 conspiracy because the co-conspirators are discussing how the
2 proceeds are split. This has become a central question in the
3 case, where does the money go? And the fact that these people
4 know that part of these payments are split and they have to
5 pay up is important.

6 THE COURT: I understand the Government's theory.
7 And I don't have a problem with this witness relaying
8 statements that were made to him by the co-conspirators, okay.
9 Statements that were made to him. I do not want him
10 synthesizing information that he gleaned generally from
11 walking by people in the lunch room.

12 So I'm going to ask you to lay a little more
13 foundation and see if you can get him to say -- it doesn't
14 have to be one particular officer, but it can't be all of
15 them. Before, he had talked about three guys. Ask him: Did
16 this person or this person or this person say to you, what?
17 Okay.

18 MS. DIOUF: Okay.

19 MR. MIEDEL: Judge, one more thing if I can add.
20 The general idea that as long as he has a perception that he's
21 being recruited -- that some of these statements may be a
22 perception that he's being recreated or some of these
23 statements may result in him not reporting, isn't enough.
24 Each statement has to be in furtherance of the conspiracy.

25 THE COURT: I agree with that.

SIDEBAR CONFERENCE

673

1 MR. MIEDEL: So when he's -- he talked about the
2 suitcase went to Sinaloa, how is that in furtherance of the
3 conspiracy? He's not a co-conspirator.

4 THE COURT: It's a big incentive. This thing is
5 working. We're all doing very well. You should join us
6 because, look, this suitcase went through. I think it's an
7 inference okay. I think it's a reasonable inference. I do
8 think it's subject to cross examination, but I don't think it
9 affects the admissibility of it.

10 MS. KOMATIREDDY: With respect to identifying the
11 bosses, the second purpose, the in furtherance purpose, it
12 dissuade -- knowing that the bosses are getting proceeds of
13 this is in furtherance of dissuading others from reporting.

14 THE COURT: I think that's all right as long as
15 we're talking about statements, not impressions, okay? I
16 don't want this witness drawing conclusions from things he
17 heard and say, Oh, this meant this. I want him to say what
18 they told me was, ABC. The purposes have been laid, and I
19 think he has a basis of knowledge. I just don't want him
20 drawing conclusions. So pin him down, please.

21 (End of sidebar conference.)

22 (Continued on the next page.)

23

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25

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

674

1 (In open court; Jury present.)

2 BY MS. DIOUF:

3 Q Mr. Arellano, you testified that Officer Martinez,
4 Officer Nieto, Officer Bailón, and Israel Espinoza, the second
5 in command at the airport, were members of the special group.

6 Do you remember that?

7 A Yes.

8 Q Did you hear any of these individuals talk about the
9 suitcases and government officials?

10 A I heard them say that they had all received their share
11 when the suitcases went through without any problems.

12 Q Did they refer to any other government officials by name?

13 A At that time, I only heard them, those officers.

14 Q What do you mean you only heard "those officers"?

15 A I'm referring to the fact that I had mentioned before
16 that all of them were very happy and that they said that Chief
17 Genaro --

18 MR. De CASTRO: Objection.

19 THE COURT: Hold on a second.

20 A -- Facundo and Luis Cardenas --

21 THE COURT: Hang on. Hang on. I'm going to allow
22 it. Continue.

23 A -- had all received their share.

24 Q Are you familiar with an individual named Guillermo Baez?

25 A Yes.

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

675

1 Q How are you familiar with him?

2 A He was a colleague who was part of the airport and part
3 of the special group.

4 Q How often would you see him at the airport?

5 A He would go there once or twice every two weeks.

6 Q Was he a federal police officer?

7 A Yes.

8 Q What, if anything, did you observe with respect to
9 Guillermo Baez's wealth?

10 A Nobody gave orders to Guillermo Baez right there at the
11 airport.

12 Q Did you observe anything about his wealth? Did he wear
13 jewelry?

14 A Yes. He wore a lot of jewelry, rings, bracelets,
15 watches, chains. And what surprised me the most about him was
16 that he had -- he carried a gun with a golden handle.

17 Q In 2003, what was the federal police called?

18 A The Preventive Federal Police.

19 Q Does the Preventive Federal Police still exist?

20 A Not anymore.

21 Q What happened to it?

22 A It changed to federal police.

23 Q When did it change to the federal police?

24 A In 2006.

25 Q When the federal police was created in 2006, whose

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

676

1 authority was it under?

2 A Under the secretary of public security, Genaro Garcia
3 Luna.

4 Q Was the secretary of public security a cabinet-level
5 position?

6 A Yes.

7 Q During your time as a federal police officer, what were
8 some other cabinet-level positions?

9 A Secretary of the interior, secretary of finance,
10 secretary of defense, secretary of the navy, secretary of
11 public security, secretary of tourism, secretary of energy,
12 secretary of the economy.

13 Q Was the secretary of defense within your chain of command
14 at the federal police?

15 A No.

16 Q What about the secretary of the navy?

17 A No.

18 Q Can you describe the structure of the secretary of public
19 security?

20 MR. De CASTRO: Objection.

21 THE COURT: Overruled.

22 A The secretary of public security had the federal police
23 and the jails, which were the social integration entities.

24 Q Who was the head of the federal police in 2006?

25 A Genaro Garcia Luna.

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

677

1 Q And who was under him as -- in the federal police?

2 A Commissioner Facundo Rosas Rosas.

3 MS. DIOUF: I would like to show the witness what's
4 been marked for identification as Government Exhibit 24.

5 Q Do you recognize the person in this photo?

6 A Yes.

7 Q Who is it?

8 A It's a picture of Facundo Rosas Rosas.

9 Q How do you recognize this person?

10 A Because I have seen him from a certain distance.

11 Q Is this photo a fair and accurate depiction of Facundo
12 Rosas Rosas?

13 A Yes.

14 MS. DIOUF: I'd move to admit and publish.

15 MR. De CASTRO: We have no objection.

16 THE COURT: Received.

17 (Government Exhibit 24, was received in evidence.)

18 (Exhibit published.)

19 MS. DIOUF: And thank you, Ms. Donovan, you can take
20 the exhibit down.

21 Q How was the federal police structured?

22 A You had the commissioner and then you had different
23 divisions. The federal forces division, the intelligence
24 division, the regional security division, the drug trafficking
25 division, the scientific division. And there was an

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

678

1 administrative area.

2 Q Where were the headquarters of the federal police?

3 A At Contel, the command center.

4 Q Have you been to Contel?

5 A Yes.

6 MS. DIOUF: I'd like to show the witness what's been
7 marked for identification as Government Exhibit 329.

8 Q Do you recognize the location of this photo?

9 A Yes.

10 Q What is it?

11 A The main entrance to the command center.

12 Q Is this Contel?

13 A Yes.

14 MS. DIOUF: I'd move to admit and publish.

15 MR. De CASTRO: No objection.

16 THE COURT: Received.

17 (Government Exhibit 329, was received in
18 evidence.)**

19 (Exhibit published.)

20 Q Did the secretary of public security have an office in
21 Mexico City?

22 A Yes.

23 Q Where was it?

24 A It was towards downtown in Reforma Avenue and Varsovia.

25 MS. DIOUF: I'd like to show the witness what's been

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

679

1 marked for identification as Government Exhibit 330.

2 Q Do you recognize the location in this photo?

3 A Yes.

4 Q What is it?

5 A The corner of Varsovia and Reforma Avenue.

6 Q Do you recognize the building in this photo?

7 A Yes.

8 Q What is it?

9 A The offices of Secretary Genaro Garcia Luna.

10 MS. DIOUF: I'd move to admit and publish.

11 MR. De CASTRO: No objection.

12 THE COURT: Received.

13 (Government Exhibit 330, was received in
14 evidence.)**

15 (Exhibit published.)

16 Q Mr. Arellano, in what part of town is this building in?

17 A It's on the Main Avenue of Mexico City, and that is
18 Reforma Avenue.

19 Q Are there any points of interest nearby?

20 A Yes. It's right across from the roundabout where you
21 have the independence monuments.

22 MS. DIOUF: I'd like to show the witness what's been
23 marked for identification as Government Exhibit 401.

24 Q Do you recognize anything depicted in this photo?

25 A Yes.

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

680

1 Q What do you see?

2 A That's at the independence monument.

3 Q Have you been there before?

4 A Yes.

5 MS. DIOUF: I'd move to admit and publish this
6 exhibit to the jury, please.

7 MR. De CASTRO: No objection.

8 THE COURT: Received.

9 (Government Exhibit 401, was received in
10 evidence.)*

11 (Exhibit published.)

12 Q Can you point out the independence statue in this
13 exhibit?

14 A Yes. It's right in the middle where you have that
15 roundabout.

16 MS. DIOUF: And I'd like to show the witness what's
17 been marked for identification as Government Exhibit 314 and
18 315.

19 Q And let me know when you're ready for the next photo.

20 A Yes.

21 MS. DIOUF: Now 315, please.

22 A Yes.

23 Q Do you recognize the locations depicted in these photos?

24 A Yes.

25 Q What are they?

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

681

1 A That's the Pedregal tower.

2 Q And what is the significance of Pedregal tower to the
3 federal police?

4 A That's where the offices of the chiefs were located.

5 Q Have you been there before?

6 A Yes.

7 MS. DIOUF: I'd move to admit and publish to the
8 jury.

9 MR. De CASTRO: No objection.

10 THE COURT: Received.

11 (Government Exhibit 315, was received in evidence.)

12 (Exhibit published.)

13 Q Where is this building located?

14 A In the southern part of Mexico City.

15 Q What neighborhood is that?

16 A In the very fancy area of Pedregal.

17 Q What type of area is Pedregal?

18 A It's a very high economic area.

19 Q What's nearby?

20 A The Perisur Shopping Center.

21 MS. DIOUF: Thank you, Ms. Donovan. You can take
22 the exhibits down.

23 Q Mr. Arellano, when did you leave the Mexico City Airport?

24 A In 2010.

25 Q Where did you go?

1 A To Monterrey, Nuevo León.

2 Q I'd like to show you what's in evidence as Government
3 Exhibit 325. Can you indicate, on this map with your finger,
4 where Monterrey is?

5 A Right here?

6 Q Yup. You can use the screen.

7 A Right here.

8 Q If you could just draw a circle so I can see.

9 A Yes.

10 Q And could you also point out Mexico City on this map?

11 A Yes.

12 Q How far is Nuevo León from Mexico City?

13 A Twelve hours away.

14 Q What was your assignment in Nuevo León?

15 A I was sent to a newly created investigation area related
16 to regional security.

17 Q Did you want to be transferred?

18 A No.

19 Q Why not?

20 A At that time, Monterrey, Nuevo León was a very -- an area
21 that had a lot of conflict.

22 Q What sort of conflict?

23 A A lot of violence.

24 Q What type of violence?

25 A Fights among drug cartels.

ARELLANO-AGUILERA - DIRECT - MS. DIOUF

683

1 Q Were any of the special group officers from the airport
2 transferred with you?

3 A No.

4 Q Who created the new investigations unit in Nuevo León?

5 A Luis Cardenas Palomino.

6 Q I'd like to show you what's in evidence as Government
7 Exhibit 705.

8 MS. DIOUF: And if you could clear the screen,
9 please.

10 Q Where was this photo taken?

11 A In Monterrey, Nuevo León.

12 Q What sort of work did you do in Nuevo León?

13 A Investigations.

14 Q What sort of investigations?

15 A Against federal crimes.

16 (Continued on the following page.)
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R. Arellano-Aguilera - direct - Diouf

684

1 DIRECT EXAMINATION

2 BY MS. DIOUF: (Continuing)

3 Q What sort of federal crimes?

4 A Drug crimes, money crimes, and weapon crimes.

5 Q What cartel was most prevalent in Nuevo León?

6 A The Gulf Cartel and the Zetas.

7 Q During your time at the Mexico City Airport, how many
8 drug seizures did you make?

9 A I didn't. None.

10 Q What about drug arrests?

11 A No.

12 Q Did you make any drug arrests in Nuevo León?

13 A Yes.

14 Q Can you describe?

15 A Because I was able to act freely as a police officer and
16 perform my duties as such, I was able to make an arrest with
17 weapons and drugs.

18 Q What cartel did the person you arrested belong to?

19 A The Gulf Cartel.

20 Q And when did you resign from the federal police?

21 A December 31, 2011.

22 Q Why did you resign?

23 A Because strange orders started to be given again. I felt
24 I was very tired. I felt let down and I thought the best
25 thing would be to resign.

R. Arellano-Aguilera - cross - De Castro

685

1 MS. DIOUF: Just a minute, please, Your Honor.

2 (Pause.)

3 MS. DIOUF: Nothing further.

4 THE COURT: Cross-examination.

5 CROSS-EXAMINATION

6 BY MR. DE CASTRO:

7 Q Good morning, Mr. Arellano.

8 A Good morning, ladies and gentlemen.

9 Q Let me ask you first what you just talked about.

10 You were tired because you were really
11 disillusioned, you said; right?

12 A Yes.

13 Q And you were just tired of the strange orders and you
14 wanted to be a real police officer; right?

15 A Yes.

16 Q How many times have you met with the Government on this
17 case?

18 A No, I didn't do that.

19 Q You've never met with the Government on this case, this
20 Government sitting at the front table?

21 A Oh, okay. I didn't understand your question.

22 Yes, I have met with them.

23 Q It's okay. I'm sorry. If you don't understand a
24 question, just tell me. I will rephrase it. Okay?

25 Okay?

R. Arellano-Aguilera - cross - De Castro

686

1 A Yes.

2 Q Fair to say that you've met with them more than six
3 times?

4 A No.

5 Q Okay. You met with them on March 29th -- I'm sorry,
6 March 29th of 2022, does that sound right?

7 A Yes.

8 Q You met with them on June 19th of 2022. Does that sound
9 right?

10 A Yes.

11 Q July 10th, 2022?

12 A Yes.

13 Q November 29th of 2022?

14 A Yes.

15 Q December 13, 2022?

16 A Yes.

17 Q And you've met with them several times now in preparation
18 for your testimony as well; correct?

19 A I have met with them on a few occasions.

20 Q That would be more than six times; right?

21 A Well, I haven't been counting them. I would say yes.

22 Q And you just -- and you met with them, as you just said,
23 on July 10th, on or about July 10th of 2022; right?

24 A More or less at around that time.

25 Q And in that meeting and other meetings you weren't

R. Arellano-Aguilera - cross - De Castro

687

1 telling the Government that you were disillusioned and that's
2 why you left; you told them you had a different reason for
3 leaving; right?

4 A That has always been my motive. That was the reason why
5 I left, because I was disillusioned with the police, the way
6 it was acting.

7 Q But my question is not what you're saying today was your
8 motive. My question is, you told the Government a different
9 reason when you met with them?

10 A That has been my reason.

11 Q And --

12 A I resigned voluntarily.

13 Q You didn't tell them that the reason you left is because
14 it's a 14-hour drive to your new position?

15 A I told them it was many hours to get there. It was a
16 very risky area. There were a lot of disadvantages to it.

17 Q You had to be far away from your family; right?

18 A That's correct.

19 Q And it was a pretty dangerous area because there was a
20 lot of cartel violence; right?

21 A That is correct.

22 Q And in that violence, innocent people were getting
23 killed; right?

24 A That is what happened sometimes.

25 Q And in those areas, it was really, really scary for the

R. Arellano-Aguilera - cross - De Castro

688

1 public; correct?

2 A Yes.

3 Q And you -- and you wanted to be part of the police force
4 to help the public; right?

5 A What police officers do, what they have always done is to
6 protect the public.

7 Q So a lot of police, maybe a new unit would be needed in
8 that area to help the public?

9 A What was needed was to be able to act freely as a police
10 officer and to help with that in an honest way.

11 Q So, without the commentary, if you could just answer the
12 question yes or no, answer it yes or no.

13 Then there was good reason to send officers to that
14 area because there was a lot of concerns for public security?

15 A Yes.

16 Q And you said that decision was made by Mr. Palomino to
17 start that new unit; right?

18 A Yes.

19 Q Let me switch gears for a second and just talk to you
20 about when Mr. Garcia Luna became sort of the head of the
21 federal police, okay?

22 A Yes.

23 Q Now, when he became the head of the federal police, you
24 learned about it in the news; right?

25 A Yes.

R. Arellano-Aguilera - cross - De Castro

689

1 Q You didn't know him personally; correct?

2 A No, I didn't.

3 Q And you then saw him not only on the news but you said
4 you started to see him in sort of ceremonies?

5 A Yes, yes, official ceremonies.

6 Q Like when new officers were going to be initiated, things
7 like that?

8 A When patrol groups would be presented and when uniforms
9 would be given out.

10 Q And he came in to the federal police with a different
11 kind of energy; would you agree with me?

12 A No.

13 Q He was -- you would not agree that he was energetic in
14 his job?

15 A No.

16 Q You wouldn't because you never met him?

17 A What you said, not personally, but I did see him on the
18 news and in parades.

19 Q And he was much younger than previous heads of the
20 police; right?

21 A I would say so.

22 Q He hadn't followed the traditional path of a regular
23 police officer going up through the ranks; right?

24 A Could you repeat your question.

25 Q He had not followed the traditional path as you

R. Arellano-Aguilera - cross - De Castro

690

1 understood it to rise up to the ranks to run the federal
2 police?

3 A Actually, he didn't because he never underwent any kind
4 of police training.

5 Q And you know a lot about this because you studied this,
6 right, public security? You have an actual degree in public
7 security; right?

8 A That is correct.

9 Q And Mr. Garcia Luna, he didn't have that same degree;
10 right?

11 A I don't know whether or not he had one.

12 Q Well, you testified on direct that you know about all his
13 duties as public security and what he did, so why don't you
14 tell us if you knew he had the degree?

15 MS. DIOUF: Objection.

16 THE COURT: Sustained.

17 Q But you did know that he was an analyst and then the
18 director at CISEN; correct?

19 A I knew he came from the CISEN, but I don't know what
20 position he held there.

21 Q And you knew that C sin dealt with issues of national
22 security; right?

23 A It's my understanding that at the time it was part of the
24 Secretariat of the Interior.

25 Q And they dealt with issues of national security; correct?

R. Arellano-Aguilera - cross - De Castro

691

1 A It's my understanding that one of the cabinet areas that
2 is something they must do.

3 Q So the answer would be yes; right?

4 A Yes.

5 Q Okay. Let's try that a little bit more. If you can
6 answer it yes or no, then just answer that. Don't worry. The
7 Government can ask you more questions after.

8 Okay?

9 A You can continue.

10 Q You knew Mr. Garcia Luna was an engineer?

11 A Yes. Yes, I heard that that is what he studied.

12 Q And you knew he was not a politician, he had not been
13 elected; right?

14 A Right. He never ran a political campaign.

15 Q And now he was going to run the entire federal police;
16 right?

17 A Yes.

18 Q And he was, at that point now, giving speeches and in the
19 public eye; right?

20 A Yes.

21 Q He was on television and he was on news shows?

22 A Yes.

23 Q And he was bringing a general message to the public that
24 under his leadership AFI would fight against crime; right?

25 A That's what he said.

R. Arellano-Aguilera - cross - De Castro

692

1 Q And that he was going to institute changes in how
2 officers were recruited and retained correct?

3 MS. DIOUF: Objection.

4 THE COURT: Can you put the question more in
5 context?

6 MR. DE CASTRO: Sure.

7 MS. DIOUF: Hearsay.

8 MR. DE CASTRO: I'm sorry?

9 THE COURT: No, it's not.

10 Q And these -- the things you were hearing that he was
11 intending to do was in public speeches; correct?

12 A Yes.

13 Q And he would speak to the officers as well; right?

14 A Yes, through the high command.

15 Q Well, so you were with him when he was talking to the
16 high command?

17 A I understood from your question if he presented, rather,
18 if he introduced the police officers to others, but he only
19 did that with the high-ranking chiefs.

20 THE COURT: May I ask the witness, just to expedite
21 this, if the question you're asked calls for a yes-or-no
22 answer, try to answer yes or no.

23 If you don't think it's fair that you answer yes or
24 no, then say I can't answer that question yes or no.

25 THE WITNESS: That's fine.

R. Arellano-Aguilera - cross - De Castro

693

1 Q You understood that Mr. Garcia Luna was going to
2 institute changes to how they recruited and retained officers
3 in the federal police?

4 A I don't remember, no.

5 Q There was going to be more tests and evaluations of
6 officers, weren't there?

7 A Yes.

8 Q And that did not make a lot of officers very happy, did
9 it?

10 A There were no problems.

11 Q Everybody was happy to do more tests and more
12 evaluations?

13 A Well, with my colleagues, the colleagues that I would get
14 together with there were no issues.

15 Q On direct examination you talked about all these other
16 people and people that you were not with, not your friends,
17 but now you don't know what other police officers in the force
18 felt about --

19 MS. DIOUF: Objection.

20 MR. DE CASTRO: Can I finish the question?

21 THE COURT: But you're going to have to rephrase it.

22 MR. DE CASTRO: Okay.

23 Q So you're not aware of -- withdrawn.

24 On direct examination you testified about what lots
25 of other police officers were doing and felt; correct?

1 A Yes.

2 Q And you were talking about other officers that you did
3 not hangout with; correct?

4 A Correct.

5 Q And when the Government asked you, you knew everything
6 that they had been saying; right?

7 A On occasion, we had run into each other and I overheard
8 them.

9 Q And now, in response to my questions about a different
10 topic, you say that you only talked to your group of friends?

11 A I answered you that I didn't think that the fact that we
12 had evaluations was a problem.

13 Q Did you hear what the judge said to you before? If you
14 can't answer yes or no, then tell me that.

15 A Yes. Yes, that's what he said.

16 Q Can you try to follow his instructions?

17 A Yes.

18 Q So it's your testimony that that as far as you knew
19 everybody was happy to undergo more tests and evaluations to
20 keep their jobs?

21 A I cannot answer that with a yes or a no.

22 Q Is it because some people were happy and some people
23 weren't?

24 A I didn't think it was a problem if we had to do more
25 evaluations.

R. Arellano-Aguilera - cross - De Castro

695

1 Q Maybe after lunch we can go back to this, but you're
2 clearly not understanding what I am asking, but --

3 MS. DIOUF: Objection.

4 THE COURT: Sustained.

5 Q Let's move on to something maybe more uncontroversial.
6 At the time that -- withdrawn.

7 As an officer in the federal police, you knew,
8 through your superiors, that Mr. Garcia Luna's priorities were
9 to fight the Gulf, the Beltran Leyva and the Zetas initially;
10 right?

11 A I cannot answer with a yes or a no.

12 Q Was -- did your superiors inform you that Mr. Garcia
13 Luna's priorities were to fight one of the -- one of the
14 priorities were to fight the Gulf Cartel?

15 A They didn't say it that way.

16 Q They didn't say that it was Mr. Garcia Luna's priorities;
17 they just told you what the police's priorities were; right?

18 A Yes.

19 Q And the reason they may not have said that -- withdrawn.

20 And you wouldn't know necessarily because you've
21 never met with Mr. Garcia Luna; right?

22 A No lower-level police officer meets with the chiefs.

23 Q There are many, many people in between you, a lowest
24 level police officer, and the person running the entire
25 federal police; right?

R. Arellano-Aguilera - cross - De Castro

696

1 A Correct.

2 Q It's called the chain of command; right?

3 A Yes.

4 Q And you knew through your superiors that the priorities
5 for the federal police at that time was to fight the Gulf,
6 Beltran Leyva and Zetas initially; right?

7 A Yes.

8 Q And you knew that those three cartels at that time were
9 some of the most violent?

10 A Yes.

11 Q And the violence was affecting the innocent public?

12 A Yes.

13 Q Even those not involved in any cartel activity?

14 A Yes.

15 Q And the violence was particularly savage; correct?

16 A Yes.

17 Q And in particular, the Zetas, they were putting on a
18 display of brutality?

19 A As all of them were.

20 Q Severed heads in public were not uncommon; right?

21 A Right.

22 Q So you understood that the priorities were to attack the
23 most violent cartels; right?

24 A Yes.

25 Q And you knew from your education that dismantling

R. Arellano-Aguilera - cross - De Castro

697

1 organizations is not an easy thing to do?

2 A It's understood as such, yes.

3 Q And you would agree with me that there's a need to
4 prioritize and systematically take apart the organizations?

5 A It's logical.

6 Q Attack them from the outside with police force; right?

7 A It's the duty of the police force.

8 Q But also to attack them from the inside, too, to develop
9 informants and information?

10 A From every side.

11 Q Right, because you were an investigator. You understood
12 that these aren't easy organizations to dismantle; right?

13 A It is understood. It's organized crime.

14 Q And part of dismantling organized crime is to prioritize
15 which organization to go at at particular times; right?

16 A A work plan should be like that.

17 Q And, so, it shouldn't have been surprising to you at all
18 that you were sent to a Zetas's stronghold because they were
19 extremely violent?

20 A Not surprised, but as long as they would have been fair
21 in the staff that was chosen to be transferred.

22 Q So it was unfair for you to get a promotion?

23 A It wasn't equal.

24 Q So you would have rather been the lowest level police
25 officer standing guard at the airport rather than do

R. Arellano-Aguilera - cross - De Castro

698

1 investigations?

2 A What I would have preferred was to have been able to act
3 freely as a police officer.

4 Q And you wanted to make sure they didn't send you
5 somewhere dangerous; right?

6 A I never said that I wanted to be safe.

7 Q Really? On direct examination you said one of the
8 reasons you left was because they sent you to this area that
9 was all full of cartel violence?

10 THE INTERPRETER: I'm sorry, interpreter needs to
11 request repeat the question. Can you repeat the question.

12 MR. DE CASTRO: Sure.

13 THE INTERPRETER: Apologies.

14 MR. DE CASTRO: Never mind. I'm just going to move
15 on. We're near the lunch break.

16 THE COURT: Don't rush yourself.

17 MR. DE CASTRO: No, it's okay, Judge.

18 Q You testified on direct examination about a few exhibits
19 that they put up about Mr. Garcia Luna's office. Remember
20 that?

21 A Yes.

22 Q There were at least two office buildings that were
23 partially occupied by the federal police; right?

24 A Yes.

25 Q And I think you testified that you knew that Mr. Garcia

R. Arellano-Aguilera - cross - De Castro

699

1 Luna's office was in one of those buildings?

2 A Yes.

3 Q How many times had you been to visit him?

4 A I went to the building on a few occasions to do some
5 evaluations.

6 Q How many times had you been there to visit him?

7 A I never went to visit him.

8 Q What floor was his office on?

9 A I do not know the floor.

10 MR. DE CASTRO: Judge, can we take a break, it's
11 lunch.

12 THE COURT: Are you ready?

13 MR. DE CASTRO: Yeah.

14 THE COURT: You're not going to finish in 10,
15 15 minutes?

16 MR. DE CASTRO: I might finish in 10 or 15.

17 THE COURT: Keep going.

18 MR. DE CASTRO: Okay.

19 Q Now, let me ask you a couple of questions about Mr.
20 Palomino, okay?

21 A Yes.

22 Q He was also coming in as part of leadership team; right?

23 A Yes.

24 Q And he was pretty young; right?

25 A I don't understand your question.

R. Arellano-Aguilera - cross - De Castro

700

1 Q He was young; right?

2 A Yes. He didn't have any gray hair.

3 Q He was, in your opinion, as an educated person in public
4 security, you felt that he was young for the job; right?

5 A For him to work at the rank he was given, yes.

6 Q You didn't believe that he had earned his rank, right?

7 A The people who I knew who had that rank had worked for
8 over 30 years.

9 Q We are back to the yes-or-no problem. Can you just
10 answer yes or no if you can. Okay?

11 A All right.

12 Q If the Government wants sort of more, they can ask you
13 questions on redirect, okay?

14 A All right.

15 Q And for Mr. Palomino, he also did not have an advanced
16 degree in policing like you; right?

17 A I do not know.

18 Q But you believed that both Mr. Garcia Luna and Mr.
19 Palomino had not earned their way to these positions; right?

20 A Not in my opinion, no.

21 Q Because they had not been, as you said earlier, in the
22 police for 30 years, for example?

23 A That is correct.

24 Q And they didn't come from a police family like you;
25 right?

R. Arellano-Aguilera - cross - De Castro

701

1 A I do not know.

2 Q And they didn't come from within the organization; right?

3 A Could you repeat your question?

4 Q They had not come or been appointed from within the
5 organization?

6 A I do not know.

7 Q Well, you said earlier that they hadn't been to the
8 academy; right?

9 A Yes, I did say that.

10 Q And it really bothered you, right, that these people from
11 outside the organization were going to come in -- withdrawn.

12 And it really bothered you that someone outside of
13 the organization had reached such a high level without putting
14 in the work?

15 A I cannot answer that with a yes or a no.

16 Q You can't say yes, I was upset or no, I was not upset?

17 A To not approve of something is different.

18 Q You didn't approve of the decision to appoint Genaro
19 Garcia Luna to his position?

20 A What I mentioned was that I didn't agree with the rank
21 that had been given to Cardenas Palomino.

22 Q You were jealous; right?

23 A No.

24 Q You weren't envious that he was able to rise in the ranks
25 at such a young age?

R. Arellano-Aguilera - cross - De Castro

702

1 A No.

2 Q You just didn't approve?

3 A Yes, I did not approve.

4 Q You -- let's talk a little bit about your career.

5 MR. DE CASTRO: Your Honor, it's going to be 10 or
6 15 given the pace.

7 THE COURT: All right. Ladies and gentlemen, let's
8 take our lunch hour now. Please come back at 20 to 2:00.
9 Remember not to talk about the case.

10 THE COURTROOM DEPUTY: All rise.

11 (Jury enters.)

12 THE COURT: Okay. One-hour recess.

13 (Lunch recess.)

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ARELLANO-AGUILERA - CROSS - MR. De CASTRO

703

1 A F T E R N O O N S E S S I O N

2 (In open court; Jury not present.)

3 THE COURT: Okay. Let's have the jury, please.

4 Let's have the defendant too. Let's have a seat.

5 Okay. Now let's have the jury.

6 THE COURTROOM DEPUTY: All rise.

7 (Jury enters the courtroom.)

8 THE COURT: Okay. Everybody be seated. Let's
9 finish up cross.

10 MR. De CASTRO: Thank you, Judge.

11 CROSS-EXAMINATION (Continued)

12 BY MR. De CASTRO:

13 Q Good afternoon, Mr. Arellano.

14 A Good afternoon.

15 Q So before lunch, we had been talking about your time with
16 the federal police when Mr. Garcia Luna was, sort of, the head
17 of federal police.

18 So in 2006, he was appointed to be the Secretary of
19 Public Security, right?

20 A Correct.

21 Q And he would still be in charge of the federal police,
22 but now, he would be working in the president's cabinet,
23 right?

24 A Correct.

25 Q And someone else would be running the federal police,

ARELLANO-AGUILERA - CROSS - MR. De CASTRO

704

1 correct?

2 A Correct.

3 Q I think you said that was Mr. Rosas Rosas, right?

4 A Correct.

5 Q Now, in 2003 to 2007, you were in training, and then you
6 were in the riot control police, right?

7 A Correct.

8 Q Okay. And then in 2007, you were assigned to the Mexico
9 City Airport, right?

10 A Correct.

11 Q So at the time that you were assigned to the airport,
12 Mr. Garcia Luna had already been the Chief of Public Security?

13 A Correct.

14 Q And so, I just want to get sort of the chain of command
15 correct from your direct testimony, okay.

16 So I think you testified that Ramon Pequeno was in
17 charge of the airport at one point, correct?

18 A I didn't say that.

19 Q I'm sorry. I think you mentioned Ramon Pequeno, but you
20 tell me.

21 Ramon Pequeno was in charge of the airport at one
22 point, right?

23 A No.

24 Q Okay. So who was in charge of the airport -- withdrawn.

25 At some point, Luis Palomino became, sort of, the

ARELLANO-AGUILERA - CROSS - MR. De CASTRO

705

1 boss at the airport, right?

2 A He was the boss of the boss that controlled the airports.

3 Q Right. Okay. Let me just try to do this in reverse.

4 You are working at the airport, right?

5 A Correct.

6 Q You then reported to your boss, right?

7 A Correct.

8 Q And then that boss, your boss, reported to Mr. Villatoro,
9 right?

10 A Correct.

11 Q And then Mr. Villatoro reported to either Ramon Pequeno
12 or Luis Palomino, depending on the year?

13 A To Ramon Pequeno.

14 Q Mr. Pequeno then reported to Mr. Rosas Rosas, correct?

15 A Correct.

16 Q And that's the top of the federal police, right?

17 A Correct.

18 Q And then, the top of the federal police reports outside
19 the federal police to the Chief of Public Security?

20 A Correct.

21 Q Now, your job at the airport was generally to do -- to
22 look for suspicious activity, and sort of stop crime, right?

23 A Correct.

24 Q And you testified on direct about these orders that came
25 over the radio that you found to be strange, right?

1 A Correct.

2 Q And you used a very general term, and you just said the
3 higher ups had ordered these codes, right?

4 A If I may answer with a comment, not necessarily with a
5 yes or no?

6 Q Go ahead.

7 A I said that when we were lined up, we would normally get
8 instructions from our bosses, right, and that we needed to pay
9 attention to make sure that crimes were not being committed.

10 Q Now, but I think what I was asking about was your
11 testimony about the orders that came over the radio; remember
12 that?

13 A Yes.

14 Q And I think you said something, sort of, very general,
15 that the higher ups had decided to issue these codes?

16 A I need to answer with a comment, not necessarily with a
17 yes or a no.

18 Q Let's try this: You didn't mean to suggest to this jury
19 that Mr. Palomino was on the radio giving these codes, right?

20 A Obviously not.

21 Q You didn't mean to suggest to this jury that Ramon
22 Pequeno was giving these instructions over the radio, correct?

23 A May I answer with a comment?

24 Q I'm sorry, I didn't hear.

25 A May I answer with a comment.

ARELLANO-AGUILERA - CROSS - MR. De CASTRO

707

1 Q Did you -- no.

2 Did you mean to suggest that Ramon Pequeno was
3 giving orders over the radio?

4 A Your comment doesn't make sense. I did not say that.

5 THE COURT: That's what he's asking.

6 A I didn't suggest that.

7 Q What I'm saying is, you're not suggesting that, right?

8 A Correct.

9 Q And you are certainly not suggesting to this jury that
10 Mr. Garcia Luna was on the radio giving those orders, correct?

11 A Correct.

12 Q You testified on direct examination about someone at the
13 airport named Guillermo Baez, remember?

14 A Correct.

15 Q And that he -- withdrawn.

16 And that you believe that he was corrupt, right?

17 A Correct.

18 Q And he was working for the cartels, right?

19 A Correct.

20 Q And you also know that Mr. Baez was arrested in 2008,
21 correct?

22 A Correct.

23 Q Now, I mentioned or -- withdrawn.

24 I asked you earlier in a question about how you had
25 come from a law enforcement family, right?

ARELLANO-AGUILERA - CROSS - MR. De CASTRO

708

1 A Correct.

2 Q Your father was a police officer, right?

3 A Correct.

4 Q And your brother is a police officer too, right?

5 A Correct.

6 Q Is he older or younger than you?

7 A Younger.

8 Q And your younger brother was also in the federal police,
9 right?

10 A Correct.

11 Q And he was fired from the federal police, right?

12 MS. DIOUF: Objection.

13 THE COURT: Overruled.

14 A I don't know.

15 Q You don't know that your -- if your brother was fired
16 from the federal police?

17 A I don't know how he left.

18 Q You believe that your brother was pushed out of the
19 federal police, don't you?

20 A I don't know the reason.

21 Q Did he leave the police voluntarily?

22 A I don't know.

23 Q When was the last time you spoke to your brother?

24 A About what matter?

25 Q Anything.

ARELLANO-AGUILERA - REDIRECT - MS. DIOUF

709

1 A A few days ago.

2 Q You're close with your brother, right?

3 A The usual with any other sibling.

4 Q He's your younger brother, right?

5 A Correct.

6 Q You both worked in the federal police together, right?

7 A Correct.

8 Q Let me ask it again, was your brother fired by the
9 federal police?

10 MS. DIOUF: Objection.

11 THE COURT: Overruled.

12 A I do not know how he left.

13 MR. De CASTRO: I have no other questions.

14 THE COURT: All right. Any redirect?

15 MS. DIOUF: Yes, Your Honor. Thank you.

16 REDIRECT EXAMINATION

17 BY MS. DIOUF:

18 Q Mr. Arellano, you were asked by defense counsel on
19 cross-examination about how law enforcement prioritizes
20 certain groups over the others.

21 Do you recall that?

22 A Yes.

23 Q Should bribe payments influence which cartel groups get
24 law enforcement priority?

25 A Yes.

ARELLANO-AGUILERA - REDIRECT - MS. DIOUF

710

1 Q Bribe payments to cartel groups, that should influence
2 which groups get law enforcement priority?

3 A Groups such as the Sinaloa Cartel, the Beltráns.

4 Q Just to clarify, are you saying that these groups did get
5 priority?

6 A Correct.

7 Q On cross-examination, defense counsel asked you questions
8 about a July 10th, 2022, meeting with the Government.

9 Do you remember that?

10 A Correct.

11 Q Do you remember that meeting with the Government?

12 A Correct.

13 Q At that meeting on July 10th, 2022, did you talk about
14 corruption at the Mexico City Airport with the Government?

15 A Correct.

16 Q And you were asked about your transfer by defense counsel
17 to Neuvo León on cross-examination.

18 Do you remember that?

19 A Correct.

20 Q At that July 10th, 2022, meeting with the Government, did
21 you also talk about how none of the special group members were
22 transferred to Neuvo León?

23 A Correct.

24 Q You were asked by defense counsel whether you approved of
25 Cardenas Palomino and Garcia Luna's promotion.

ARELLANO-AGUILERA - RECROSS - MR. DE CASTRO 711

1 Do you remember that?

2 A Correct.

3 Q Well, I think you were first asked if it upset you.

4 Do you remember that?

5 A I remember that.

6 Q And did their promotions upset you?

7 A No. I just didn't approve of that.

8 Q During the time you worked at the Mexico City Airport,
9 did you see things there that upset you?

10 A Correct.

11 Q And what did you see?

12 A When those strange orders would be given by radio, I
13 would see my fellow officers leave and they would never get
14 into trouble about that. Then the order would be lifted and
15 then they would come back, they would be very happy. That
16 surprised me.

17 Q Mr. Arellano, do you hold a grudge against Genaro Garcia
18 Luna?

19 A No.

20 MS. DIOUF: Nothing further.

21 MR. De CASTRO: One thing. If you don't mind, can I
22 just do it from here?

23 THE COURT: You can.

24 RECROSS-EXAMINATION

25 BY MR. De CASTRO:

ARELLANO-AGUILERA - RECROSS - MR. DE CASTRO 712

1 Q The Government just asked you about your July 10th, 2022,
2 meeting with the Government.

3 Do you remember those questions they just asked you?

4 A Yes.

5 Q And how you felt it was unfair that you had been
6 transferred and those others hadn't, right?

7 A Yes. It didn't happen all across the board.

8 Q And do you remember telling the Government at that July
9 meeting that the shift in relocating officers could have been
10 just a normal rotation, however?

11 A It could have been a rotation, yes.

12 MR. De CASTRO: Thank you. Nothing further.

13 MS. DIOUF: Your Honor, I just have one final
14 question, if I may.

15 THE COURT: Okay.

16 MS. DIOUF: Mr. Arellano, why are you testifying
17 here today?

18 MR. De CASTRO: Objection.

19 THE COURT: Sustained. Sustained.

20 Okay. You may step down. Thank you.

21 (The witness steps down.)

22 THE COURT: All right. Government's next witness.

23 MS. REID: Your Honor, the Government calls Israel
24 Avila.

25 (The witness enters the stand.)

AVILA - DIRECT - MS. REID

713

1 THE COURTROOM DEPUTY: Please raise your right hand.
2 (The witness was sworn and/or affirmed in by the
3 courtroom deputy.)

4 THE WITNESS: Yes.

5 THE COURTROOM DEPUTY: Thank you. Please be seated.
6 Please state your name, for the record.

7 THE WITNESS: Israel Avila.

8 THE COURTROOM DEPUTY: And spell your last name for
9 the Court.

10 THE WITNESS: A-V-I-L-A.

11 **ISRAEL AVILA**, called as a witness, having been first duly
12 sworn/affirmed through the interpreter, was examined and
13 testified further as follows through the interpreter:

14 DIRECT EXAMINATION

15 BY MS. REID:

16 Q Good afternoon. What country are you from, Mr. Avila?

17 A Mexico.

18 Q And where do you live currently?

19 A In prison.

20 Q About how long have you been in prison?

21 A Ten years.

22 Q And what charges are you in jail for?

23 A Traveling between states for illegal purposes and intent
24 to distribute a kilogram or more of heroin.

25 Q Did you plead guilty to those charges?

AVILA - DIRECT - MS. REID

714

1 A Yes.

2 Q And are you currently serving a sentence in connection
3 with those?

4 A That's right.

5 Q Are you familiar with the Sinaloa Cartel?

6 A Yes. I worked for them.

7 Q In what years, approximately, did you work for the
8 Sinaloa Cartel?

9 A From 2005 to 2008.

10 Q And after 2008, did you continue to work for individuals
11 who had been associated with the Sinaloa Cartel?

12 A Yes, that's right. For the Beltrán Leyvas.

13 Q For about how long did you do that?

14 A Until before my arrest, until 2012.

15 Q And what year were you arrested?

16 A 2012.

17 Q During your time with the Sinaloa Cartel, did you work
18 closely with anyone?

19 A Yes. I worked closely for the Pineda Villas and for the
20 Beltrán Leyvas.

21 Q And just briefly, what are the Pineda Villas?

22 A The Pineda Villas were brothers who were in charge of
23 Guerrero and Morelos. They were in charge of that area for
24 the cartel?

25 Q And what were those names?

AVILA - DIRECT - MS. REID

715

1 A Mario and Alberto Pineda Villa.

2 Q What roles did you serve when you worked for the Sinaloa
3 Cartel?

4 A I had done all kinds of things, but mainly getting small
5 planes, houses and warehouses for them, and to help them in
6 anything they needed for the cartel.

7 Q At any time, did you also help with ledgers or accounts
8 for individuals within the cartel?

9 A Yes, I did, for Mario Pineda Villa.

10 Q And generally, what kinds of things did those ledgers
11 keep track of?

12 A We registered the drugs that were received, as well as
13 the -- where they were distributed, the money that came in for
14 those drugs, as well as the expenses that were incurred,
15 payments to public officials at the state, federal, and
16 municipal level, payroll for workers, rent for houses and
17 warehouses, and other expenses of the cartel.

18 Q You mentioned payments to public officials.

19 Through your work, did you become familiar with
20 someone named Genaro Garcia Luna?

21 A Yes, that's right.

22 Q And who is that?

23 A He was in charge of AFI. He also had the role of
24 Secretary of Public Security at the federal level in Mexico.

25 Q And did Genaro Garcia Luna have any connection with the

AVILA - DIRECT - MS. REID

716

1 Sinaloa Cartel?

2 A Of course he did. He also worked for them.

3 Q Briefly, what did Genaro Garcia Luna do for the cartel?

4 MR. MIEDEL: Objection.

5 THE COURT: Sustained.

6 Get a foundation.

7 MS. REID: We'll come back to that.

8 Q I want to turn now to your history.

9 About how far did you go in school?

10 A Four semester of college.

11 Q And did you finish?

12 A No. I started working then.

13 Q What kind of work did you start doing?

14 A Real estate.

15 Q And tell us about your work in real estate.

16 What kinds of things did you do?

17 A Renting, subletting properties, selling properties,
18 promoting properties for sale, everything to do with that.

19 Q And in total, for how many years did you work in real
20 estate in Mexico?

21 A Approximately from 2003 to 2012.

22 Q And during that time, what areas of Mexico, generally,
23 did you work in real estate in?

24 A In Guerrero, Mexico City, Morelos mainly, Querétaro, and
25 wherever my services were required.

AVILA - DIRECT - MS. REID

717

1 Q And you told us that you started working for the Sinaloa
2 Cartel around 2005; is that right?

3 A That's right.

4 Q I believe you told us about Mario Pineda Villa to start.

5 Did that person have a nickname?

6 A Yes. They called him MP, or Gordo Malo.

7 Q And generally -- withdrawn.

8 You also mentioned Alberto Pineda Villa, right?

9 A Yes. That's right.

10 Q Did he have a nickname?

11 A Yes. X or Borrado.

12 Q And I want to show you what's in evidence as Government
13 Exhibit 45.

14 (Exhibit published.)

15 Q Do you recognize this person?

16 A Yes. That's Alberto Pineda Villa.

17 Q Thank you.

18 MS. REID: You can take the exhibit down.

19 Q So generally tell us, how did you go from being a real
20 estate agent, to working for the Sinaloa Cartel?

21 A I started by renting out houses to them without really
22 knowing who they were. They identified themselves as federal
23 agents that worked for AFI. And that they were conducting
24 some kind of electrical supervision at that time of the voting
25 which was going to take place in 2005. And I continued

AVILA - DIRECT - MS. REID

718

1 renting out houses to them, and there come a time where I
2 rented them a house and they killed some people there. They
3 were arrested.

4 I had also sold them a vehicle, and because the
5 vehicle was registered to the address of the house that I had
6 rented out to them, the house was seized.

7 Q I want to break that down.

8 Approximately when did you begin renting houses to
9 these people who identified themselves as federal agents?

10 A Since the year 2005.

11 Q And where was this?

12 A In Cuernavaca in Morelos.

13 Q And where, specifically, did these people say they
14 worked?

15 A For AFI and for Mr. Genaro Garcia Luna.

16 Q And what is AFI?

17 A It was a federal investigations agency that had been
18 created in Mexico and it was -- it came -- it was an offshoot
19 of the police.

20 Q And what, if anything else, did you see or hear that made
21 you believe that this group of people worked for AFI?

22 A The clothing that they wore and their vests were the AFI
23 logos, the badges that they used, their weapons. How are you
24 going to be walking around on the street without being part of
25 AFI? If you're not working for AFI, you can't walk around

AVILA - DIRECT - MS. REID

719

1 like that with those badges, those uniforms, and those vests?

2 Q And did they have any vehicles?

3 A Yes. They had official-type vehicles, vans that the same
4 way they had these logos on them that said AFI.

5 Q And how long was this time period that you rented houses
6 to this group of people?

7 A From 2005 to 2008.

8 Q Well, did there come a time after you began renting
9 houses to these people that you learned a bit more about who
10 they were?

11 A That's right. After the house was seized that was in my
12 name.

13 Q And just briefly, can you remind us what happened that
14 led to that seizure?

15 A Yes. They killed two people, and they killed people and
16 they were also using a car that I had sold them. It was
17 registered to the address of the house that I rented them -- I
18 rented them a house too -- and since it was in my name, it was
19 seized.

20 Q And just to clarify, what year was this?

21 A In 2006.

22 Q So what happened after you learned that the house and car
23 registered to you were associated with this death?

24 A I spoke with the person who was in charge, the person who
25 was in charge of getting the houses rented. I spoke with that

AVILA - DIRECT - MS. REID

720

1 person and that person told me not to worry. He said that
2 everything was going to be okay. And he made an appointment
3 for me to go to a place and talk with his boss.

4 Q And where did you go?

5 THE INTERPRETER: Interpreter needs to clarify, if I
6 may, Your Honor.

7 THE COURT: (Nonverbal gesture).

8 A An appointment was made, and I was taken to a spot in
9 Tenextepango, Morelos, and when I got to that place, it was
10 being guarded over by members of the army, members of the
11 state police. There were patrol cars from the federal police.
12 There was also officers there from the General Prosecutor's
13 Office of the State.

14 Q And what happened?

15 A I went to the house and when I went into the house, I
16 recognized some people who worked for the Prosecutor's --
17 General Prosecutor's Office of the state.

18 THE INTERPRETER: Interpreter's correction. From
19 the judicial police of the state.

20 Q And what happened after you saw those people?

21 A I spoke with one of them and I found out later that he
22 was a half brother of the Pineda Villas. He told me not to
23 worry, that everything was going to be okay. After that, they
24 took me to a room in the house. In the house, they offered me
25 a glass of water, a bottle of water, and after that, they came

AVILA - DIRECT - MS. REID

721

1 in and I found out later that it was Mario Pineda and Alberto
2 Pineda Villa.

3 Q And just to be clear, at that time, did you know who
4 those people were, the Pineda Villas?

5 A No. I didn't know that they worked for any organization
6 for the cartel. I had seen them a few times.

7 And Mario Pineda, I actually thought he might be a
8 family member of one of the AFI agents because the way that
9 they carried themselves and the way that they had the
10 bodyguards and were armed.

11 Q And so what happened when you spoke to this person who
12 you later learned was Mario Pineda Villa?

13 A He asked me if I knew who I was working for.

14 Q And what did you say when he asked you if you knew who
15 you were working for?

16 A I said yes, for AFI and for Genaro Garcia Luna and his
17 people, I said.

18 Q And what did that person who you later learned was Mario
19 Pineda Villa say?

20 A He said no, you're wrong. Neither you nor we work for
21 Genaro Garcia Luna; Genaro Garcia Luna works for us.

22 Q And did you eventually learn who Mario Pineda Villa was?

23 A Yes. He asked me if I wanted to work for him. He said,
24 I'm Mario Pineda Villa, I am known as MP, and he asked me if I
25 want to work for them for the Sinaloa Cartel, and I said yes.

AVILA - DIRECT - MS. REID

722

1 Q And when you learned who he was, what did it mean to you
2 that Mario Pineda Villa said that Genaro Garcia Luna works for
3 us?

4 A Well, that he provided protection and allowed them to do
5 drug trafficking.

6 Q Now, after this meeting, did you have further contact
7 with Mario Pineda Villa?

8 A Yes. I worked closely with them, both with Mario Pineda
9 Villa and with Alberto Pineda Villa.

10 Q And when you worked with the Pineda Villas and other
11 people in the Sinaloa Cartel, did you become familiar with
12 leaders of that cartel?

13 A Yes. That's right. I met Mr. Rey Zambada, Mr. Mario
14 Zambada -- Mayo Zambada, Arturo Beltrán Leyva, Hector Beltrán
15 Leyva, Barbie, Grande, Lobo Valencia, and other people who
16 worked in the cartel.

17 Q Okay. I want to show you now a few pictures. I want to
18 start with Government Exhibit 13 which is in evidence.

19 Do you recognize this person?

20 A Yes, that's Mr. Rey Zambada.

21 Q And did you meet him while you worked with the Sinaloa
22 Cartel?

23 A That's right.

24 MS. REID: I want go to Government Exhibit 5 in
25 evidence.

AVILA - DIRECT - MS. REID

723

1 Q Who is this?

2 A That's Mayo Zambada.

3 Q Did you meet him?

4 A Yes. And meeting in Morelos during the war -- well,
5 during the peacetime of the war with the Zetas.

6 Q And was there any relationship with Rey Zambada and Mayo
7 Zambada?

8 A As far as I knew, they were brothers.

9 Q You mentioned someone named Arturo Beltrán Leyva. I'd
10 like to show you Government Exhibit 6 in evidence.

11 Who is this?

12 A Arturo Beltrán Leyva.

13 Q Did you work closely with them?

14 A That's right. And with his brother, as well.

15 Q And I want to show you Government Exhibit 7 in evidence.

16 Who is that?

17 A Hector Beltrán Leyva.

18 Q And was he related to Arturo?

19 A Yes. They were brothers.

20 Q You also mentioned someone named Barbie.

21 Do you know that person's full name?

22 A Yes. Edgar Valdez Villarreal.

23 Q I wanted to show you what's in evidence as Government
24 Exhibit 41.

25 Who is that?

AVILA - DIRECT - MS. REID

724

1 A Barbie, Edgar Valdez Villarreal.

2 Q You also mentioned someone named Grande.

3 Do you know that person's full name?

4 A Sergio Villarreal Barragan.

5 Q And I want to show you what's in evidence as Government
6 Exhibit 17.

7 Who is that?

8 A Sergio Villarreal Grande.

9 Q In your time in the Sinaloa Cartel, did you ever meet
10 someone name Joaquin Guzman, also known as El Chapo?

11 A Yes. He was at one of the meetings during the war -- for
12 the peace of -- regarding the war with the Zetas in Morelos.

13 Q And I also want to show you what's marked for
14 identification as Government Exhibit 33.

15 MS. DIOUF: Just for the witness.

16 Q Do you recognize this person?

17 A That's me.

18 MS. DIOUF: I'd ask that Government 33 be admitted.

19 MR. MIEDEL: No objection.

20 THE COURT: Received.

21 (Government Exhibit 33, was received in evidence.)

22 MS. REID: And you can take down the exhibit. Thank
23 you.

24 Q Are you familiar with someone named Conejo?

25 A Yes. Him, with Grande, after 2008 were in charge of

AVILA - DIRECT - MS. REID

725

1 receiving drugs at the airport Mexico City, and he would also
2 get drugs that would come in from Colombia and Venezuela.

3 Q Did you ever meet Conejo?

4 A No. Never.

5 Q I believe you mentioned someone named Lobo Valencia.

6 Who is that?

7 A It was a guy, if memory serves, he was from Michoacán.
8 He was related to the Beltrán Leyvas, part of the Sinaloa
9 Cartel.

10 Q And did you ever meet him?

11 A Yes. I saw him a few times in Morelos.

12 Q When is the last time you saw or spoke to Lobo Valencia?

13 A If memory serves, it was about 2006 -- 2006, 2007.

14 Q Are you familiar with someone named Tirso Martinez?

15 A I know that he was involved with cock fighting. I saw
16 him one time in Querétaro, but I didn't have any relationship
17 with him.

18 Q And when is the last time that you saw him?

19 A It was in the year -- it was about 2000, 2002 -- 2000,
20 2002, approximately, at some cock fights in Querétaro.

21 Q Now, when you started working for the Pineda Villa
22 brothers, who did they work for within the Sinaloa Cartel?

23 A They would report to mainly Rey Zambada and his brother,
24 Mayo Zambada, and also to Arturo and Hector Beltrán Leyva.

25 Q And when you started working for the Sinaloa Cartel in

AVILA - DIRECT - MS. REID

726

1 2005 or 2006, what was the relationship between the Zambadas
2 and the Beltrán Leyvas?

3 A They were the same group. They were the Sinaloa Cartel.
4 They were united.

5 Q When you started working for Mario Pineda Villa, how
6 often did you report to him?

7 A Daily.

8 Q And if you were not in-person, how did you communicate
9 with him?

10 A By means of some radios that they provided for me.

11 Q What kinds of radios?

12 A USA Cell and one Nextel.

13 THE COURT: Or was it US Santo?

14 THE WITNESS: USA Cell.

15 Q Did any other members of the Sinaloa Cartel use radios to
16 communicate?

17 A Yes. Everybody had the same kind of radios. Just like
18 portable radios.

19 Q And did you hear ever, other people's conversations on
20 radios?

21 A Yes. When I was with them, because they would speak, you
22 know, normally without being, you know, un-private. Only when
23 they would speak with their families would be when they would
24 step aside and speak privately.

25 (Continued on next page.)

Avila - direct - Reid

727

1 DIRECT EXAMINATION

2 BY MS. REID: (Continuing)

3 Q Who are you referring to when you say "they"?

4 A The Pineda Villas.

5 Q Did Arturo Beltran Leyva ever use radios?

6 A Yes, the same radios. The cartel used the same type of
7 radio.

8 Q After you started working for the Pineda Villa brothers,
9 I believe you mentioned you did some ledgers or accounts for
10 him -- for them?

11 A Yes, I helped them to create ledgers on an Excel
12 spreadsheet since they used accounting books, regular
13 accounting books, and where they could manage everything in a
14 way that would be much clearer for them.

15 Q During what period of time did you help with these
16 ledgers?

17 A From 2006 to 2007.

18 Q And during that time period, what kinds of drugs was
19 Mario Pineda Villa trafficking for the Sinaloa Cartel?

20 A Cocaine, mainly, as well as heroin, China white,
21 marijuana, and crystal meth.

22 Q And talking just about cocaine, how much cocaine was
23 Mario Pineda Villa trafficking for the cartel when you started
24 working for him?

25 A Tons.

Avila - direct - Reid

728

1 Q And how often was he moving tons of cocaine?

2 A Weekly.

3 Q How was cocaine getting to the Cuernavaca Morelos area
4 where Mario Pineda Villa was based?

5 A No trucks, in tanker trucks, in small planes.

6 Q And where was the cocaine coming from?

7 A From Colombia and Venezuela.

8 Q Once the drugs, especially cocaine, got to Mexico, where
9 did they go?

10 A Chicago, New York, Atlanta.

11 Q How did the cocaine get to those places in the United
12 States?

13 A In cars, in SUVs, in trucks.

14 Q And how much money, approximately, was coming in every
15 month from the cocaine that Mario Pineda was trafficking in
16 Morelos?

17 A It was millions of dollars.

18 Q How was it coming in, what form was the money?

19 A In U.S. dollars, in cash.

20 Q And what, if anything, did Mario Pineda do with some of
21 this U.S. cash that he was making?

22 A Reinvesting in drugs and investing in jewelry,
23 properties, paying public officials, paying the payroll for
24 his people, paying for houses that were needed, and the
25 expenses for the entire cartel.

Avila - direct - Reid

729

1 Q Now, you said earlier that you -- among the things you
2 did for the cartel was buying and renting houses; is that
3 right?

4 A Yes, I did that as well.

5 Q And who within the Sinaloa Cartel did you buy houses for?

6 A For Alberto and Mario Pineda Villa, and also for Arturo
7 and Hector Beltran Leyva, and other members of the cartel.

8 Q And did you also rent houses for other members of the
9 cartel?

10 A Yes, that's right, El Grande, and other lower level
11 workers that also worked within the cartel.

12 Q And in your experience when you buy houses in Mexico, is
13 there any registration process?

14 A There was a process that used to be done in front of a
15 civil notary public through a private purchase and sale
16 contract, in which the amount that the property was being
17 bought for was specified.

18 Q I'm sorry, I missed the last word.

19 The amount that the property was bought for was?

20 THE INTERPRETER: Specified.

21 MS. REID: Specified.

22 Q And where or with whom was that document registered?

23 A That was done before a civil notary public, and the civil
24 notary public would register it with the public property
25 registry.

Avila - direct - Reid

730

1 Q And in your experience, does the public property registry
2 require that the document that's registered to reflect a house
3 purchase have the actual sale price?

4 A Not exactly. It could be a higher value or a lower
5 value.

6 Q In your experience when you bought properties for members
7 of the Sinaloa Cartel, did you ever register the sale using a
8 lower value than you had actually paid?

9 A Most of the time.

10 Q How did you do that?

11 A That could be done legally because the Government assigns
12 a cadastral value, and it was done that way to avoid paying
13 high taxes. Other times it was done through a power of
14 attorney so that it would not be registered under any name.

15 Q Thank you. I just want to stop you there because you
16 said a lot of things.

17 You mentioned something called a cadastral price.
18 What is that?

19 A The cadastral value is a value assigned to a property by
20 the Government, and based on that value is the taxes that will
21 be paid.

22 Q And in your experience, does the cadastral price always
23 reflect the sale price that someone pays for a house?

24 A Generally, it's one of the lowest ones.

25 Q So when documents are legally registered with the public

Avila - direct - Reid

731

1 registry office, do they often state a price for a house that
2 is lower than what is actually paid?

3 A That's generally the case, yes.

4 Q And I stopped you, but I think you were telling us about
5 another way to, I think, legally register a sale without
6 revealing who the buyer was or what was paid?

7 A Yes. It could be done in the past through a power of
8 attorney. I don't know if it's still the case that you can do
9 that now, but it was another way of doing it.

10 Q And to be clear, up until you were arrested in 2012, was
11 this something you could do in Mexico?

12 A Yes.

13 Q And how did it work?

14 A So the owner of a property could get a power of attorney
15 for giving the rights for full administration and authority
16 over the property to the buyer, so that that person could buy
17 or sell without registering their real name.

18 Q Are there other ways to register official documents with
19 the public property registry's office in which the documents
20 are incorrect?

21 A Yes, that's the way it was. The civil notary public
22 can't confirm if the documents presented are original or not.

23 Q Now, in your time working for the Sinaloa Cartel, did you
24 ever pay anyone in the property registry office?

25 A Yes, I did hire someone. I paid someone in the registry

Avila - direct - Reid

732

1 so that they could make the paperwork go faster and they could
2 also investigate properties to see if they had any mortgages
3 or liens.

4 Q And why did you do that?

5 A To make the paperwork move faster.

6 Q And now, are you also familiar with something called a
7 straw man?

8 A Yes, that's another methodology by which you can do a
9 purchase and sale, but not just purchase and sales, any kind
10 of contract as well. And also, so that you can hide your
11 assets when you do a statement of assets. And, so, that was
12 why that methodology was used often by public officials for
13 the -- for when the time came when they have to make a
14 statement of their assets.

15 Q And what is a straw man?

16 A It is a person, like the name says in Spanish, that lend
17 their name so that an operation can be done without -- by
18 using that name.

19 Q Let's take an example.

20 Did you ever use a straw man to buy a house for a
21 member of the Sinaloa Cartel?

22 A Yes, I did. I, myself, was a straw man to be able to
23 purchase homes and also rent houses.

24 Q And who did you buy a house for using or acting as a
25 straw man?

Avila - direct - Reid

733

1 A For Arturo Beltran Leyva, for the Pineda Villa brothers,
2 and for other members in the cartel.

3 Q And why did you do this?

4 A Because I had the financial support to be able to -- the
5 financial justification to be able to do it.

6 Q Why did they ask you do it?

7 A Because they trusted me that I wasn't going to steal the
8 property from them. And once all the paperwork was done, they
9 would tell me who they wanted the property to be -- to be
10 under, and that's what I would do.

11 Q To be clear, the times that the property was in your
12 name, did you live in the house?

13 A No.

14 Q When you bought a house for Arturo Beltran Leyva as a
15 straw man, was Arturo living in the house?

16 A No. No, I mean he did live there, but he didn't live
17 there permanently. He used it as a weekend home.

18 Q Was that one of several houses that Arturo used?

19 A Yes, that's right.

20 Q When you bought houses for members of the Sinaloa Cartel,
21 how would you pay for them?

22 A Generally in U.S. dollars, in cash. Sometimes by check,
23 and sometimes in pesos.

24 Q What was the source of the U.S. dollars that you used to
25 buy houses for the members of the cartel?

Avila - direct - Reid

734

1 A From drug trafficking, itself.

2 Q I want to talk through some areas in Mexico where you
3 bought houses for Sinaloa Cartel members.

4 Let's start with Morelos, did you ever buy houses in
5 Morelos for members of the cartel?

6 A Yes. More than one, approximately twelve houses was what
7 we bought there.

8 Q And does the Morelos area include Cuernavaca?

9 A Yes, that's right.

10 Q Generally, what was the prices of houses that you were
11 buying in Cuernavaca?

12 A From \$500,000 and up.

13 Q What was the highest?

14 A A four-million-dollar house.

15 Q Did you ever buy a house for Mario Pineda in Cuernavaca?

16 A Yes, I bought him several houses. One of the largest
17 ones costs one-and-a-half-million dollars.

18 Q And did he ever renovate any houses that you bought him
19 in Cuernavaca?

20 A Yes, that house that I mentioned, it was a very large
21 house and that house was move-in ready, but he decided to
22 remodel it, to renovate it with his family.

23 Q And could you describe the house for us, how big was it?

24 A It was two stories. It had a very large yard. It had
25 parking spaces for about twenty cars. It had about four

Avila - direct - Reid

735

1 bedrooms with bathrooms, living room, dining room, office,
2 den, laundry, a service area, a very large area for service.

3 Q And about how much was that house?

4 A One-and-a-half million U.S. dollars.

5 Q And what was the source of the U.S. dollars used to buy
6 that house?

7 A Drug trafficking.

8 Q Now, you mentioned that that house was renovated despite
9 being move-in ready.

10 How did Mario Pineda renovate that house?

11 A Well, I remember that they remodeled it even though it
12 was supposed to be move-in ready, but that was a decision that
13 they made. They hired some people that work in that, some
14 interior designers, and some people who work in renovation.
15 That was an idea that they had.

16 Q Were you present for any payments to the people that they
17 hired to make these renovations?

18 A Yes, when they gave the down payment for the work to be
19 done, they gave 500,000 U.S. dollars.

20 Q And what was the source of that money?

21 A Drug trafficking.

22 Q Are you familiar with an area near Cuernavaca called
23 Jiutepec?

24 A Yes.

25 Q Did you ever rent houses in that area for members the

Avila - direct - Reid

736

1 Sinaloa Cartel?

2 A Yes.

3 Q How many?

4 THE INTERPRETER: Interpreter's moment, Your Honor?

5 THE COURT: Yes.

6 A It wasn't just renting, but also bought some houses over
7 that area in Jiutepec. Rented two times -- two times, two
8 houses -- yeah, two times one house. It was a very big house.
9 It had a very large garden, it had a pool and a chapel.

10 Q And who did you rent that house for?

11 A For Arturo Beltran Leyva and Mario Pineda Villa.

12 Q How much did you spend to rent that house?

13 A \$20,000 on each occasion.

14 Q And for how long was -- did \$20,000 cover in that house?

15 A The house was handed over on Friday, and we had to turn
16 it back over on Sunday.

17 Q And for the weekend it was \$20,000?

18 A That's right.

19 Q Was that paid in cash?

20 A Yes, in cash, in U.S. dollars.

21 Q What was the source of that money?

22 A Drug trafficking.

23 Q Did you ever buy or rent houses for members of the
24 Sinaloa Cartel in Mexico City?

25 A Yes, that's right.

Avila - direct - Reid

737

1 Q Are you familiar with a neighborhood in Mexico City
2 called Santa Fe?

3 A Yes, that's right.

4 Q Did members of the Sinaloa Cartel have houses there?

5 A Many apartments.

6 Q And who had apartments in the Santa Fe area from the
7 Sinaloa Cartel?

8 A Barbie, Hector -- Hector Beltran, and other people who
9 worked in the cartel, but who had lower -- lower ranks than
10 them.

11 Q Now, you said you bought or rented properties for Arturo
12 Beltran on occasion.

13 Generally, what kinds of properties did Arturo
14 Beltran have?

15 A Very big houses with lots of parking spaces for more than
16 five cars always, and very big yards.

17 Q Did Arturo Beltran ever take helicopters to his
18 properties or other places?

19 A He would generally move around in a helicopter.

20 Q And when he did that, where would he land the helicopter?

21 A Sometimes on the same property of the house or on nearby
22 properties.

23 Q Were there times when he landed his helicopter without an
24 official helipad?

25 A It was always without an official helicopter pad. It was

Avila - direct - Reid

738

1 private houses, private land.

2 Q Let's talk a little bit more about Arturo.

3 Did he ever have any kinds of pets?

4 A Yes, he had a lion, and he also had a hippopotamus.

5 Q How did Arturo Beltran typically dress?

6 A Extravagantly with jewelry, his shirts were flashy.

7 Q Were you ever involved in purchasing any clothing for
8 Arturo?

9 THE COURT: Ms. Reid, at a convenient time.

10 MS. REID: We can take a break after this
11 translation.

12 A Yes, one times I had -- I involved in buying clothes for
13 him here in the United States. It was Ed Hardy brand.

14 MS. REID: We can take a break now, Your Honor.

15 THE COURT: All right.

16 Ladies and gentlemen, afternoon break. Come back at
17 3:25, please. Remember not to talk about the case.

18 THE COURTROOM DEPUTY: All rise.

19 (Jury exits.)

20 THE COURT: All right. Let's have the witness out
21 please, I want to talk to the lawyers for just a second. So
22 please have a seat.

23 (Witness steps down and exits the courtroom.)

24 THE COURT: My impression is this is taking more
25 time than it needs to. Now, I understand the Government's

Avila - direct - Reid

739

1 need to show the reach and the pervasiveness of the cartel and
2 to show this witness' familiarity with it, but did Beltran
3 Leyva land on grass instead of a heliport? How nice does he
4 dress? You know, that is more than is related to this trial.

5 Now, I am not getting objections, so I am not
6 shutting you down, but I do have an obligation to move the
7 case reasonably quickly. And maybe you know something I
8 don't, but so far I am not seeing the point of that level of
9 detail. So just think about that and do what you can when we
10 resume.

11 MS. REID: Yes, Your Honor. We are about to move on
12 to the next topic, and this witness is quite short.

13 THE COURT: Okay.

14 MS. KOMATIREDDY: Your Honor, may we have a sealed
15 sidebar, please?

16 THE COURT: A sealed sidebar. Here's how I do that:
17 We have the sidebar. You explain to me why it's got
18 to be sealed, hopefully without disclosing everything you want
19 to say in seal, and then I make a determination as to whether
20 it should be sealed.

21 MS. KOMATIREDDY: Yes, Your Honor.

22 THE COURT: Let's try that.

23 (Continued on next page.)

24 (Sidebar conference.)

25

Sidebar

740

1 (The following occurred at sidebar.)

2 THE COURT: Okay. Let's hear your application for
3 sealing.

4 MS. KOMATIREDDY: It pertains to this witness's
5 safety and releasing the likeness of this witness.

6 I understand that there is a courtroom sketch artist
7 here, which we did not anticipate for this witness, and I need
8 to explain a basis for requesting that that sketch be
9 sufficiently anonymized.

10 THE COURT: Okay. I will grant the motion to seal
11 so that everything from this point on, this point on will be
12 sealed until I say that it is not.

13 Okay. Go ahead.

14 (Continued on next page.)

15 (Sidebar conference.)
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Sealed by order of the Court - Sidebar

741

1 (The following is sealed by order of the Court.)

2 MS. KOMATIREDDY: [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Sealed by order of the Court - Sidebar

742

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That ends the sealed portion of the transcript.

MS. KOMATIREDDY: Thank you, Judge.

THE COURT: Thank you.

(End of sidebar conference.)

(Continued on next page.)

Proceedings

743

1 (In open court - jury not present.)

2 THE COURT: Before you go, why don't I do this now.
3 Can I see the courtroom sketch artists who are here. Come on
4 up a second.

5 MS. KOMATIREDDY: Would you like us present, Your
6 Honor?

7 THE COURT: Yes.
8 Yes, please. Come this way.
9 Still have the white noise, please.

10 (Continued on next page.)

11 (Sidebar conference.)

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Sidebar

744

1 (The following occurred at sidebar.)

2 THE SKETCH ARTIST: Hi. Jury sketches?

3 THE COURT: Sorry?

4 THE SKETCH ARTIST: Jury sketches? Would you like
5 to see what I've done?

6 THE COURT: No. I'm going to trust you. All I'm
7 saying is make sure that his face is blurred so that it's not
8 recognizable.

9 THE SKETCH ARTIST: His?

10 THE COURT: Yes.

11 THE SKETCH ARTIST: Oh. I didn't know that.

12 THE COURT: I didn't know that either. Now we both
13 know, okay?

14 MS. KOMATIREDDY: I apologize, Your Honor.

15 THE SKETCH ARTIST: It's a lot of work.

16 THE COURT: It's easier to undo than to do. I
17 understand.

18 Next time let's hear from the Government about this
19 earlier. Can you comply with that?

20 MS. KOMATIREDDY: Yes.

21 THE COURT: Tell me your name.

22 THE SKETCH ARTIST: Jane Rosenberg.

23 THE COURT: That was not sealed. We are in recess.
24

25 (End of sidebar conference.) (Continued next page.)

Avila - direct - Reid

745

1 (In open court - jury not present.)

2 THE COURT: Okay. The witness back, please.

3 (Witness takes the witness stand.)

4 THE COURT: Have a seat again.

5 Okay.

6 THE COURTROOM DEPUTY: All rise.

7 (Jury enters.)

8 THE COURTROOM DEPUTY: Please be seated.

9 THE COURT: All right, Ms. Reid, please continue.

10 MS. REID: Thank you.

11 DIRECT EXAMINATION (Continuing)

12 BY MS. REID:

13 Q I want to go back to the accounting ledgers that you
14 helped Mario Pineda Villa with beginning in 2006.

15 A Yes.

16 Q I believe you told us that those accounted, in part, from
17 proceeds from drug trafficking; is that right?

18 A Yes, not just the proceeds, but the drugs that arrived,
19 the expenses that we had, the payments that were made with
20 that money.

21 Q And you mentioned that the ledgers documented payments to
22 public officials; is that right?

23 A Yes, that's correct.

24 Q At what levels of government did the Sinaloa Cartel make
25 payments?

Avila - direct - Reid

746

1 A Federal, state and municipal.

2 Q Why was the cartel paying officials at all these levels?

3 A To be covered on every side.

4 Q Did the Sinaloa Cartel pay Genaro Garcia Luna?

5 A Yes.

6 Q What was the source of the money paid to him?

7 A Drug trafficking.

8 Q And did you document money that was allocated for
9 payments to Genaro Garcia Luna in the ledgers you've told us
10 about?

11 A Yes.

12 Q And to be clear, did Mario Pineda Villa, himself, make
13 payments to any federal officials on behalf the Sinaloa
14 Cartel?

15 A He did not pay federal agents directly. He would usually
16 give the money to Rey Zambada and the Beltran Leyva brothers
17 who would make the payments. And there were some times when
18 he would give them to Sergio Villarreal or to Barbie.

19 Q And in the ledgers, did you document proceeds of drug
20 trafficking which were allocuted [sic] to the cartel's
21 payments to Garcia Luna?

22 THE COURT: Hold it a second.

23 Ask that question again and say allocated instead of
24 allocated.

25 MS. REID: I'm sorry, Your Honor.

Avila - direct - Reid

747

1 THE COURT: That's all right.

2 MS. REID: I have to also remember the question.

3 THE COURT: Okay.

4 The question is: And in the ledgers, did you
5 document proceeds of drug trafficking, which were allocated to
6 the cartel's payments to Genaro Garcia Luna?

7 That's the question.

8 A Yes, that's right.

9 Q In those spreadsheets, generally, what kinds of amounts
10 of money were documented as being for Genaro Garcia Luna?

11 A The maximum amount that I was able to see, and I even
12 went with Mario Pineda to go hand it over to Rey Zambada, was
13 \$5 million.

14 Q What were some other amounts?

15 A 3 million, 1 million, 1.8 million. Different amounts.

16 Q And did these ledgers refer to Genaro Garcia Luna by his
17 real name?

18 A No, they always referred to Mr. Genaro Garcia Luna with a
19 name they used for him, Tartamudeo or Metralleta.

20 Q And why were those names used?

21 A To hide his name, I imagine, because they said he had a
22 speech problem.

23 Q And what is Metralleta?

24 A That is used to refer to a person who stutters when they
25 speak.

Avila - direct - Reid

748

1 Q How do you know that the words Tartamudeo and Metralleta
2 were used to refer to Genaro Garcia Luna?

3 A Because the accountant that they had told me that those
4 payments were being made to Genaro Garcia Luna. And
5 afterwards, when I continued to work for Pineda Villa
6 brothers, that's the way that Pineda Villa brothers generally
7 referred to Genaro Garcia Luna.

8 Q Now, it sounds like Mario Pineda did not, himself, make
9 payments to federal officials.

10 Did he ever make payments to state officials?

11 A Yes, he would pay them all the time, the state and the
12 municipal police. Like, for example, one time he would be
13 like: Pay this guy. This guy who worked for the judicial
14 police, they called him Santa, as well as the secretary for
15 public security for the state.

16 Q And who was the secretary for public security for the
17 state that was paid by the cartel?

18 A Cabeza de Vaca.

19 Q Were you present for payments to this person Cabeza de
20 Vaca?

21 A Yes, I handed over \$500,000 once.

22 Q And how was that money -- how did you hand the money
23 over?

24 A In cash, in U.S. dollars.

25 Q What was the source of that money?

Avila - direct - Reid

749

1 A Drug trafficking.

2 Q And how were payments to Cabeza de Vaca reflected in the
3 accounting ledgers?

4 A In different ways, like the one with the horns, like
5 Cabeza, like Vaca, but never as Cabeza de Vaca.

6 Q What kinds of things was the Sinaloa Cartel getting in
7 exchange for the payments to Genaro Garcia Luna?

8 A Well, protection to do all the things related to drug
9 trafficking and to get the drugs in from Colombia and
10 Venezuela, and to move around the country without being
11 arrested.

12 Q Did the cartel ever have control over the placement of
13 certain federal officials?

14 A Yes. And actually, I can talk about one time that Mario
15 Pineda asked for some federal agents to be moved to the state
16 of Morelos because they had a better relationship with them,
17 and in that way they could have better control of the area, of
18 the inner state.

19 Q And was that person or those people, were they moved to
20 Cuernavaca?

21 A Yes, that's right.

22 Q When you worked for the Sinaloa Cartel, did the cartel
23 bring drugs through any airports?

24 A Yes.

25 Q Which airports?

Avila - direct - Reid

750

1 A Mainly through the Mexico City Airport, but Acapulco,
2 Guerrero, Chiapas and Morelos.

3 Q And when you started working for Sinaloa, who was in
4 charge of the Mexico City Airport for the cartel?

5 A Mr. Rey Zambada.

6 Q Were the Pineda Villa brothers in charge of any airports?

7 A Yes. Yes, the ones in Guerrero and Morelos.

8 Q And did the federal police ever help the Sinaloa Cartel
9 traffic drugs at any of those airports, Guerrero or Morelos?

10 A Yes, on several occasions.

11 Q Were you ever directly involved in a time when the
12 federal police helped the cartel at those airports?

13 A Yes, several times. And I can talk to you about one time
14 in particular that was very relevant.

15 Q Please do.

16 A Yes, one time at the airport in Morelos, there was a
17 plane that was coming in that had been reported by the air
18 interdiction unit.

19 Q And Approximately when was this?

20 A December of 2007.

21 Q And what is an air interdiction, or what did you mean by
22 that?

23 A Air interdiction is a unit in the government that reports
24 airplanes that come in without flight plans.

25 Q And do you know if the United States was involved on this

Avila - direct - Reid

751

1 occasion?

2 A Yes, that's right. It's technically the U.S. that
3 reported this to the air interdiction unit in Mexico. And the
4 air interdiction unit in Mexico is the one that follows up on
5 it.

6 Q After learning that this plane was having air
7 interdiction, did you ever go to the airport in Morelos?

8 A Even so, we did go. I did go with members the cartel and
9 also with some federal agents to get the drugs out of the
10 airport.

11 I went to the airport in Morelos. We got to the
12 airport in Morelos, and when we got there, there were some
13 federal agent -- police agents who worked at the airport in
14 Morelos. They guided us to the platform there, within the
15 area of the airport. The plane landed. It was guided over to
16 the platform area. They helped us to unload the drugs from
17 the plane, and they allowed us to leave the airport.

18 Q Who helped you unload drugs from the airplane?

19 A The federal agents that worked there at that airport.

20 Q How much cocaine did you unload from the plane?

21 A Approximately 1,200 kilos.

22 Q After you got the drugs off the plane, where did you go?

23 A To go hideout in a house. Because the plane had been
24 reported, and so they gave us the opportunity to get the drugs
25 out and then they were going to start the operation to arrest

Avila - direct - Reid

752

1 us.

2 Q Well, so after you left the airport with the drugs, was
3 any action taken by the federal police?

4 A Yes, supposedly they started to look for us.

5 Q What do you mean "supposedly"?

6 A Because they had allowed us to leave before -- before
7 starting, and we got in with their permission, got in with
8 their help and we left with their help.

9 Q And how did you learn that the federal police were
10 supposedly looking for you?

11 A Because they were reporting it on the radio.

12 Q Ultimately, what happened to the 1200 kilos of cocaine
13 from the airplane?

14 A They were sent here to the United States, as happens with
15 the majority of the drugs.

16 Q And when you joined the Sinaloa Cartel in 2006, I believe
17 that you said the Beltran Leyvas and the Zambadas were on the
18 same group, or in the same group?

19 A That's right.

20 Q At some point, did that change?

21 A Yes. That started in 2008, if memory serves, that they
22 split up. Because they said that's -- Arturo and Hector's
23 brother, Alfredo Beltran Leyva, had been turned over to the
24 Government.

25 Q And approximately when was this?

Avila - direct - Reid

753

1 A Like about at the beginning of the year. I don't
2 remember the date very well.

3 Q And what year?

4 A 2008.

5 Q After Alfredo Beltran Leyva was arrested, what happened?

6 A Well, the operation started to -- well, the war started
7 and people started to disappear on behalf of, you know, the
8 Chapo and Mayo, people of the Beltran Leyvas started to
9 disappear. And then also the people from Chapo and Mayo
10 started to disappear on behalf of Beltran Leyvas.

11 Q And what happened with the Pineda Villa brothers, did
12 they take a side in this conflict?

13 A Yes, they kept working with the Beltran Leyvas. And
14 actually, they ran an operation to together with Grande to get
15 Rey Zambada in Mexico City.

16 Q And I want to come back to that operation.

17 What side did you take or what did you do when this
18 conflict happened?

19 A I kept working with the Beltran Leyvas and the Pineda
20 Villas.

21 Q Tell us what happened with Rey Zambada.

22 A Well, they ran an operation in Mexico City with
23 government officials and drug traffickers to be able to arrest
24 Rey Zambada and to turn him over to the government.

25 Q Was he arrested?

Avila - direct - Reid

754

1 A Yes, that's right.

2 Q And did you take any direct action in relation to Rey
3 Zambada's arrest?

4 A I was with Mario Pineda Villa when he was arrested and
5 they were saying that they wanted to change, they were talking
6 on the radio that they wanted to swap him out, that the
7 government wanted to swap him out so that he wouldn't be
8 presented to them directly.

9 And Mario Pineda Villa asked me to speak with the
10 journalist who worked for the people within the cartel to let
11 him know to let other journalists know what was happening in
12 the city, in Mexico City.

13 Q And did you do that?

14 A Yes. I spoke with that journalist and got him in contact
15 with Mario Pineda to -- to -- to report what was going on with
16 Rey Zambada in Mexico City.

17 Q And as far as you understand, was Rey Zambada switched
18 out or swapped out?

19 A Because the Beltran Leyvas and the Grande and the Pineda
20 Villas put a lot of pressure on the government to do that.

21 Q Did you ever talk to Rey Zambada after his arrest?

22 A No.

23 Q Now, after this conflict started between the Beltran
24 Leyvas on one side and Chapo and Mayo's people, what, if
25 anything, happened with Genaro Garcia Luna?

Avila - direct - Reid

755

1 MR. MIEDEL: Objection.

2 THE COURT: Foundation please.

3 Q After this conflict started, did you speak to anyone in
4 the cartel about an action that Arturo Beltran took against
5 Genaro Garcia Luna?

6 A Yes, with the person in charge of security for the Pineda
7 Villas in Morelos.

8 Q Who is that?

9 A It was Francisco Camacho.

10 Q And did you have a close relationship with that person?

11 A Yes, he was my good friend.

12 Q What did he tell you?

13 A That they had sent --

14 THE INTERPRETER: Interpreter correction.

15 A -- that they had ordered that Genaro Garcia Luna and his
16 people be kidnapped because he did not want to go to a meeting
17 with the Beltran Leyvas.

18 Q And who did Francisco Camacho tell you ordered him to do
19 this?

20 A The Pineda Villa brothers.

21 Q And according to Francisco Camacho, did he actually
22 detain Genaro Garcia Luna and his people?

23 A Yes, and they also, you know, gave him a house as a gift
24 for having done that.

25 Q Who was given a house?

Avila - direct - Reid

756

1 A Francisco Camacho.

2 Q And why did the cartel give Francisco Camacho a house?

3 A For having kidnapped Genaro Garcia Luna and his people.

4 Q And about where did Francisco Camacho say this occurred?

5 A In Morelos, in Cuernavaca.

6 Q And approximately when was this?

7 A I think that it was in 2008, 2009, around that time. I
8 don't remember very well.

9 Q Now, during the conflict between the Beltran Leyvas and
10 Chapo and Mayo, what, if anything, happened to the Pineda
11 Villa brothers?

12 A Yes, they were both killed.

13 Q Who killed them?

14 A By orders of the Beltran Leyvas -- brothers.

15 Q And why did that happen?

16 A Because it seems that they were aligning with El Chapo
17 and Mr. Mayo Zambada, and they wanted to betray the Beltran
18 Leyvas.

19 Q And were you present for the death of either of the
20 Pineda Villas?

21 A Yes, for Mario's death I was present.

22 Q Did you have any role in his death?

23 A Yes, I participated.

24 Q What, if anything, happened with Mario Pineda's body?

25 A It was left on the road that goes between Cuernavaca and

Avila - direct - Reid

757

1 Mexico.

2 Q And when you worked for the Sinaloa Cartel, were you ever
3 involved in other violence?

4 A Yes.

5 Q What kinds of things were you involved in?

6 A Different types of acts of violence like abducting people
7 or going with people to abduct people. Also, renting houses
8 to keep people when they were being abducted.

9 Q And were you present when people were killed by members
10 of the Sinaloa Cartel?

11 A Yes, several times.

12 Q About how many times do you think you were present when
13 someone was killed?

14 A I think it was more than 20 times, approximately.

15 Q Did you have a weapon while you were part of the Sinaloa
16 Cartel?

17 A Yes.

18 Q What kind?

19 A A .38 super.

20 Q Did you ever shoot your gun for the cartel?

21 A Yes.

22 Q Did other people in the cartel also have guns?

23 A We were all armed.

24 Q You mentioned abductions.

25 Were you present when people were abducted by

Avila - direct - Reid

758

1 members of the Sinaloa Cartel?

2 A Yes.

3 Q Were you aware of times when cartel members ordered other
4 people abducted?

5 A Yes.

6 Q Were you ever present for torture?

7 A Yes, in several.

8 Q Did you ever participate in torturing anyone for the
9 cartel?

10 A Yes.

11 Q How many times?

12 A On several occasions.

13 Q Was it more or less than five?

14 A More than five times.

15 Q Was it more than three?

16 A More than five.

17 Q Was it less -- more than ten, I'm sorry?

18 A Probably.

19 Q Was there ever a time that you were tortured by the
20 Sinaloa Cartel?

21 A Yes, that's right.

22 Q When was that?

23 A If I remember correctly, it was 2009.

24 Q And what led up to that?

25 A I was tortured because they believed I was cooperating

Avila - direct - Reid

759

1 with the U.S. Government, or that I was working for other
2 people that were not part of the cartel.

3 Q And who was involved in torturing you?

4 A Mario Pineda Villa and other members of the cartel.

5 Q And can you describe briefly what happened during the
6 time that you were tortured?

7 A Yes. They were asking me questions about who I was
8 working for besides them, and at the same time they were
9 hitting me, cutting me, and burning me.

10 Q Do you still have any injuries or physical signs of that
11 torture?

12 A Yes, I have several.

13 Q Can you tell us about those?

14 A Yes, I have cuts on parts of my face. I have burn marks
15 on my body.

16 Q Do you have any injuries on your hands?

17 A Yes. Yes, I have several injuries; yes.

18 Q And how were your hands injured?

19 A Parts of my hands and wrists were fractured when they
20 tied me up. They broke a rib. They hit me.

21 Q After you were tortured, did you continue working for the
22 Sinaloa Cartel?

23 A Yes, I had to keep on working for them.

24 Q Why was that?

25 A Because otherwise they were going to kill me, not just

Avila - direct - Reid

760

1 me, my family as well.

2 Q By the way, did you ever video or audio record any of
3 your interactions with members of the Sinaloa Cartel?

4 A No, never.

5 Q Why not?

6 A Out of fear. After a friend of mine who had a photograph
7 of a house of Arturo Beltran's was killed because they said
8 that he was collaborating with the DEA.

9 Q Now, after Pineda Villa brothers were killed in 2009, '8
10 or '9, I think you said, who did you work for?

11 A For the Beltran Leyva brothers and for Grande.

12 Q After the fighting began between the Beltran Leyvas and
13 Chapo and Mayo's people, were there ever attempts to arrest
14 Arturo Beltran?

15 A Yes, several.

16 Q Did anything significant happen in Acapulco?

17 A Yes. There was this one time when Arturo Beltran was
18 about to be arrested and he was taken out of there by some
19 federal police officers.

20 Q And when was this?

21 A Around 2008, if I remember correctly.

22 Q And how did you learn about this?

23 A Yes, because I was with the -- with Mario Pineda Villa
24 and, in fact, the person who went to pick him up was Alberto
25 Pineda Villa at one of his houses.

Avila - direct - Reid

761

1 Q And what, if anything, did you hear the Pineda Villas
2 saying about this?

3 A They were joking about it afterwards, about how Arturo
4 Beltran must have looked dressed up as a federal police
5 officer in the back of the police car.

6 Q Were you ever present for any other efforts to arrest
7 Arturo Beltran?

8 A Yes, in the posada, party that went on in December in
9 Morelos, in the neighborhood of Morelos.

10 Q What is a posada?

11 A It's a Christmas party that we have in Mexico.

12 Q And what happened?

13 A Members of the Marine and Navy of Mexico tried to arrest
14 Arturo Beltran Leyva and he was able to escape, together with
15 Grande, as well as other members the cartel.

16 Q After that, what, if anything, happened to Arturo Beltran
17 Leyva?

18 A Yes, he was killed in Cuernavaca at the Altitude
19 apartments.

20 Q And when was that?

21 A 2009.

22 Q Did you keep working for Hector Beltran after Arturo's
23 death?

24 A Yes, I continued working for him.

25 Q When is the last time you spoke to Hector Beltran?

Avila - direct - Reid

762

1 A I spoke to him directly in 2010.

2 Q When is the last time you spoke to Sergio Villarreal
3 Barragan Grande?

4 A The day of the posada, the day where there was an attempt
5 to arrest Arturo Beltran Leyva, in 2009, if I remember
6 correctly.

7 Q And when was the last time you spoke with Edgar Valdez
8 Villarreal Barbie?

9 A At the beginning of the year 2010. We met with him at an
10 apartment that he had near Santa Fe.

11 Q And did there come a time when you worked for another
12 drug trafficker who had been associated with the Beltran
13 Leyvas?

14 A Yes, for Cesar Garnica.

15 Q What kinds of things did you do for him?

16 A The same as the others. I helped him create an
17 accounting sheet and I helped him get houses, apartments and
18 warehouses.

19 Q And was he involved in trafficking drugs to the United
20 States?

21 A Yes, he did as well.

22 Q Did you ever travel to the U.S. for him?

23 A Yes, in 2012.

24 Q And I want to direct to you that same year. Were you
25 arrested in 2012?

Avila - direct - Reid

763

1 A Yes, that's right, in December 2012.

2 Q And before we get there, you've mentioned a couple times
3 you traveled to the U.S. while you were engaged in drug
4 trafficking.

5 Why did you feel comfortable doing that?

6 A Well, most of all because we had the protection of the
7 government of Mexico and because of a lack of knowledge of
8 U.S. laws.

9 Q Now, when you were arrested in 2012, where were you
10 arrested?

11 A In Texas.

12 Q Who arrested you?

13 A Immigration.

14 Q Was that U.S. Immigration?

15 A Yes.

16 Q And I believe you testified earlier that you pleaded
17 guilty to some criminal charges.

18 A Yes, that's correct, in Illinois.

19 Q And were you sentenced?

20 A Yes.

21 Q What sentence did you receive?

22 A One-hundred-eighty months.

23 Q And what is that in years?

24 A Fifteen years.

25 Q How much time have you served?

Avila - direct - Reid

764

1 A I've served ten years.

2 Q And do you know when you're due to be released?

3 A Yes, at the end of 2025.

4 Q Are you hoping to receive any benefits from testifying
5 here?

6 A Probably, through my lawyer.

7 Q And what is that?

8 A He talked to me about applying a Rule 35.

9 Q What's a Rule 35?

10 A My understanding is that it's a law that allows for a
11 reduction in sentencing if you volunteer to testify.

12 Q And what is required of you, as far as you understand, to
13 be eligible for that Rule 35?

14 A Telling the truth.

15 Q What happens if you don't do that?

16 A That rule will not be applied to me.

17 Q If you do the things required of you, what is your
18 understanding of what the government may do?

19 A Do a reduction on my sentence.

20 Q Who decides whether or not you can get a reduction in
21 your sentence?

22 A The judge.

23 Q And has anyone guaranteed that you'll receive a motion
24 from the Government for that reduction?

25 A No.

Avila - direct - Reid

765

1 Q Prior to coming to New York for this case, was there a
2 time that you made a request related to your sentence?

3 A Yes, I requested a transfer so I could finish my time in
4 my country. Because once I get there, I would have the same
5 rights that American citizens would have, meaning to go out on
6 parole.

7 Q And was your request for a prisoner transfer to Mexico
8 granted?

9 A Yes, it was.

10 Q What did you do when it was granted or after it was
11 granted?

12 A First, I showed up, but then I took it back.

13 Q Why did you take your request to be transferred back?

14 A So I could be here for this trial.

15 Q Why is your understanding, or where would you be if you
16 had not withdrawn your request to be transferred?

17 A Free.

18 MS. REID: One moment, Your Honor.

19 No further questions.

20 THE COURT: Do you want to start cross tomorrow?

21 MR. MIEDEL: Yes, please.

22 THE COURT: Okay, we will leave ten minutes early,
23 ladies and gentlemen.

24 Please remember the admonitions: No communication
25 or viewing on the internet with regard to this case. Please

Proceedings

766

1 stick to this. As we go on it becomes more and more
2 important, we don't want to have this start this all over
3 again.

4 Have a good night, get rest, and we will see you
5 tomorrow morning at 9:30.

6 THE COURTROOM DEPUTY: All rise.

7 (Jury exits.)

8 THE COURT: Let's take the witness out, please.

9 (Witness steps downs and exits the courtroom.)

10 THE COURT: Anything we need to talk about?

11 MS. KOMATIREDDY: Two things.

12 First, I understand that the witness is on cross.

13 We are requesting permission to have the agent be able to
14 speak with him about logistics to deal with the logistics of
15 transport for tonight and tomorrow.

16 THE COURT: Say that again.

17 MS. KOMATIREDDY: I understand that the witness is
18 on cross. We ordinarily would not speak with him, but --

19 THE COURT: Yes.

20 MS. KOMATIREDDY: -- we do have to deal with some
21 things that came up today regarding his logistics in
22 transport. We are asking for permission to have the agent
23 speak with him about that.

24 THE COURT: Any problem?

25 MR. MIEDEL: No.

Proceedings

767

1 THE COURT: Fine.

2 MS. KOMATIREDDY: Second, I just wanted to make a
3 record that the items that Your Honor ordered us to disclose
4 yesterday, we did disclose in redacted form yesterday evening.
5 And we also provided the defense with the witnesses for each
6 day this week this morning at 9:00 a.m.

7 THE COURT: Okay, good.

8 MR. DE CASTRO: That's true, Judge, they did do
9 that.

10 As you know, they were at eighteen witnesses
11 yesterday, they did one, but then they added one, which was
12 the disclosure.

13 At the end of the day yesterday, I -- I asked the
14 Government: Hey, when you know what your order is going to
15 be, could you just give me a head's up? The answer was: We
16 really don't know and we decide that the morning of.

17 So now, if we have the holdover witnesses
18 tomorrow -- they have how many -- seven witnesses for
19 tomorrow. We have no idea what the order is. I really -- I
20 don't understand why they can't just tell us the order of
21 witnesses.

22 THE COURT: Well, they could certainly tell you some
23 of it.

24 You really don't know what you're going to do
25 tomorrow after this witness?

Proceedings

768

1 MS. KOMATIREDDY: Your Honor, we are going to call
2 all seven witnesses in some order tomorrow. We'll figure out
3 the exact order. I can give it to the defense. I think we do
4 know.

5 And there's one witness scheduled for Thursday, I
6 was going to ask the Court, that's the one that the *Giglio*
7 motion pertained to, we were going to ask the Court for a
8 ruling on that before that witness takes the stand on
9 Thursday.

10 THE COURT: Okay.

11 MS. KOMATIREDDY: Otherwise, there is only one
12 witness for Thursday. So, we'll give them the order for
13 tomorrow.

14 THE COURT: You will do that like now?

15 MS. KOMATIREDDY: Yeah.

16 THE COURT: There you are. Okay, have a good night.
17 See you tomorrow.

18 MR. DE CASTRO: Thanks.

19

20 (Matter adjourned to February 1, 2023 at 9:30 a.m.)

21

22 ooo0ooo

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24

25

I N D E XWITNESSPAGE**ADRIAN IBANEZ**

DIRECT EXAMINATION BY MS. REID 628

CROSS-EXAMINATION BY MS. GOTLIB 639

RAUL ARELLANO-AGUILERA

DIRECT EXAMINATION BY MS. DIOUF 646

CROSS-EXAMINATION BY MR. DE CASTRO 685

REDIRECT EXAMINATION BY MS. DIOUF 709

RECROSS-EXAMINATION BY MR. De CASTRO 711

ISRAEL AVILA

DIRECT EXAMINATION BY MS. REID 713

E X H I B I T S

Government's Exhibit 318	630
Government's Exhibits 316 and 317	631
Government's Exhibits 202-3 through 202-6, 202-11, 202-12, and 202-14	635
Government's Exhibit 202-15	638
Government's Exhibit 435	639
Government's Exhibit 701	648
Government's Exhibit 705	648
Government's Exhibit 3	651
Government's Exhibits 306, 307, 308 and 309	653
Government Exhibit 24	677
Government Exhibit 315	681
Government Exhibit 33	724

All Word // 1/31/2023 USA v Garcia Luna

1

\$	202-3 [6] - 634:23, 635:4, 635:19, 635:22, 635:25, 770:5 202-4 [1] - 636:6 202-5 [2] - 636:9, 637:11 202-6 [6] - 634:23, 635:4, 635:19, 635:22, 636:19, 770:5 2022 [10] - 686:6, 686:8, 686:11, 686:13, 686:15, 686:23, 710:8, 710:13, 710:20, 712:1 2023 [2] - 623:7, 768:20 2025 [1] - 764:3 23 [3] - 623:7, 641:25 23,572.623 [1] - 643:24 23.5 [2] - 633:15, 636:17 24 [3] - 677:4, 677:17, 770:12 25 [1] - 653:25 27 [4] - 633:16, 634:4, 635:9, 635:16 271 [1] - 623:16 27th [2] - 642:21, 642:22 29th [3] - 686:5, 686:6, 686:13 2:00 [1] - 702:8	45 [4] - 655:19, 655:24, 656:1, 717:13
\$20,000 [3] - 736:13, 736:14, 736:17 \$500,000 [2] - 734:12, 748:21		5
1		5 [2] - 722:24, 747:13 500,000 [1] - 735:19 52 [1] - 646:9
1 [3] - 647:5, 747:15, 768:20 1,200 [1] - 751:21 1.8 [1] - 747:15 10 [3] - 699:14, 699:16, 702:5 10th [7] - 686:11, 686:23, 710:8, 710:13, 710:20, 712:1 11,786.291 [1] - 644:3 11,786.332 [1] - 644:2 11201 [1] - 623:17 11:10 [2] - 665:19, 665:23 1200 [1] - 752:12 13 [2] - 686:15, 722:18 14-hour [1] - 687:14 15 [4] - 665:19, 699:15, 699:16, 702:6 17 [1] - 724:6 19-CR-00576(BMC) [1] - 623:3 19th [1] - 686:8		6
	3	6 [1] - 723:10 628 [1] - 769:5 630 [1] - 770:3 631 [1] - 770:4 635 [1] - 770:5 638 [1] - 770:6 639 [2] - 769:6, 770:7 646 [1] - 769:8 648 [2] - 770:8, 770:9 651 [1] - 770:10 653 [1] - 770:11 677 [1] - 770:12 681 [1] - 770:13 685 [1] - 769:9
	3	7
2	3 [4] - 650:16, 651:6, 747:15, 770:10 30 [4] - 643:23, 658:2, 700:8, 700:22 306 [5] - 652:22, 653:1, 653:11, 653:13, 770:11 307 [5] - 652:23, 653:3, 653:11, 653:17, 770:11 308 [5] - 652:23, 653:5, 653:11, 653:20, 770:11 309 [5] - 652:23, 653:7, 653:11, 653:22, 770:11 31 [2] - 649:7, 684:21 314 [1] - 680:17 315 [4] - 680:18, 680:21, 681:11, 770:13 316 [6] - 631:5, 631:7, 631:13, 631:17, 631:24, 770:4 317 [6] - 631:5, 631:7, 631:13, 631:17, 631:19, 770:4 318 [4] - 630:6, 630:22, 630:23, 770:3 31st [1] - 632:16 325 [3] - 629:8, 629:22, 682:3 329 [2] - 678:7, 678:17 33 [4] - 724:14, 724:18, 724:21, 770:14 330 [2] - 679:1, 679:13 35 [6] - 655:20, 655:24, 656:2, 764:8, 764:9, 764:13 3500 [3] - 660:20, 670:15, 741:5 38 [1] - 757:19 3:25 [1] - 738:17	7 [2] - 624:7, 723:15 7-9 [3] - 669:4, 669:6, 669:7 701 [3] - 647:23, 648:8, 770:8 705 [4] - 648:13, 648:22, 683:7, 770:9 709 [1] - 769:10 711 [1] - 769:11 713 [1] - 769:13 718-613-2272 [1] - 623:24 724 [1] - 770:14
2 [6] - 651:24, 653:15, 653:19, 653:21, 653:23, 666:4 20 [3] - 628:17, 702:8, 757:14 2000 [2] - 725:19 2002 [2] - 725:19, 725:20 2003 [4] - 649:6, 675:17, 704:5, 716:21 2005 [6] - 714:9, 717:2, 717:25, 718:10, 719:7, 726:1 2006 [11] - 675:24, 675:25, 676:24, 703:18, 719:21, 725:13, 726:1, 727:17, 745:14, 752:16 2007 [20] - 628:18, 632:1, 632:17, 633:16, 634:4, 635:9, 635:16, 640:4, 641:11, 641:13, 643:23, 650:12, 650:13, 651:12, 665:5, 704:5, 704:8, 725:13, 727:17, 750:20 2008 [9] - 707:20, 714:9, 714:10, 719:7, 724:25, 752:21, 753:4, 756:7, 760:21 2009 [6] - 651:22, 756:7, 758:23, 760:9, 761:21, 762:5 2010 [4] - 638:22, 681:24, 762:1, 762:9 2011 [3] - 649:1, 649:7, 684:21 2012 [8] - 714:14, 714:16, 716:21, 731:10, 762:23, 762:25, 763:1, 763:9 202-11 [6] - 634:23, 635:13, 635:19, 635:22, 636:22, 770:5 202-12 [6] - 634:23, 635:11, 635:19, 635:23, 636:24, 770:5 202-14 [6] - 634:24, 635:11, 635:19, 635:23, 637:5, 770:5 202-15 [4] - 637:24, 638:8, 638:12, 770:6 202-19 [1] - 644:10	4	8
	4	8 [1] - 760:9 8,000 [1] - 654:6
	4-0 [3] - 669:5, 669:6, 669:7 40,000 [1] - 651:15 401 [2] - 679:23, 680:9 41 [1] - 723:24 435 [4] - 639:8, 639:12, 639:16, 770:7	9
		9 [1] - 760:10 901 [1] - 643:15 9:00 [1] - 767:6 9:30 [3] - 623:8, 766:5, 768:20
		A
		A-G-U-I-L-E-R-A [1] - 645:7 A-R-E-L-L-A-N-O [1] - 645:7 A-V-I-L-A [1] - 713:10 a.m [3] - 623:8, 767:6, 768:20 ABC [1] - 673:18 abduct [1] - 757:7 abducted [3] - 757:8, 757:25, 758:4 abducting [1] - 757:6 abductions [1] - 757:24

able [13] - 656:16, 684:15, 684:16, 688:9, 698:2, 701:24, 732:22, 733:4, 733:5, 747:11, 753:23, 761:14, 766:13
absolutely [1] - 626:6
academy [3] - 649:17, 656:4, 701:8
Acapulco [2] - 750:1, 760:16
acceptable [1] - 666:16
accepted [1] - 639:13
according [1] - 755:21
According [1] - 669:7
accountant [1] - 748:3
accounted [1] - 745:16
accounting [5] - 727:12, 727:13, 745:13, 749:3, 762:17
accounts [2] - 715:7, 727:9
accurate [7] - 630:13, 631:10, 635:15, 638:5, 648:1, 650:25, 677:11
accurately [1] - 635:8
accused [1] - 625:21
acquire [1] - 640:6
act [3] - 684:15, 688:9, 698:2
acting [2] - 687:6, 732:24
action [4] - 632:2, 752:3, 754:2, 755:4
actionable [1] - 632:15
activities [1] - 668:10
activity [2] - 696:13, 705:22
acts [1] - 757:6
actual [3] - 641:17, 690:6, 730:3
add [1] - 672:19
added [1] - 767:11
addition [2] - 642:4, 671:25
additional [1] - 633:17
address [2] - 718:5, 719:17
adjourned [1] - 768:20
administration [1] - 731:15
administrative [1] - 678:1
admissibility [1] - 673:9
admissible [1] - 671:3
admit [8] - 648:4, 648:18, 651:3, 677:14, 678:14, 679:10, 680:5, 681:7
admitted [2] - 631:13, 724:18
admonitions [1] - 765:24
Adrian [2] - 627:4, 627:15
ADRIAN [3] - 627:7, 628:1, 769:4
advanced [1] - 700:15
advantages [2] - 657:24, 663:2
advice [1] - 666:14
aerial [1] - 653:19
affecting [1] - 696:11
affects [1] - 673:9
affidavits [1] - 624:8
affirmed [1] - 713:2
afford [1] - 663:12
AFI [14] - 641:4, 642:5, 691:24, 715:23, 717:23, 718:15, 718:16, 718:21, 718:22, 718:25, 719:4, 721:8, 721:16
afternoon [4] - 703:13, 703:14, 713:16, 738:16
afterwards [2] - 748:5, 761:3

age [1] - 701:25
agencies [2] - 634:6, 634:11
agency [1] - 718:17
Agent [1] - 640:1
agent [4] - 717:20, 751:13, 766:13, 766:22
agents [16] - 628:25, 632:21, 632:22, 633:2, 633:19, 642:5, 651:15, 717:23, 718:9, 721:8, 746:15, 749:15, 751:9, 751:13, 751:19
ago [1] - 709:1
agree [5] - 672:25, 689:11, 689:13, 697:3, 701:20
Aguascalientes [1] - 629:6
Aguilera [2] - 644:24, 645:4
AGUILERA [2] - 646:1, 769:7
ahead [3] - 643:17, 706:6, 740:13
aided [1] - 623:25
air [6] - 750:17, 750:21, 750:23, 751:3, 751:4, 751:6
airplane [2] - 751:18, 752:13
airplanes [2] - 654:24, 750:24
Airport [23] - 650:10, 650:11, 651:17, 652:11, 652:15, 652:17, 652:19, 653:16, 654:14, 654:19, 655:15, 663:21, 663:22, 664:1, 664:21, 665:6, 681:23, 684:7, 704:9, 710:14, 711:8, 750:1, 750:4
airport [41] - 653:24, 654:7, 654:11, 655:3, 655:4, 658:10, 663:1, 663:15, 664:4, 664:8, 664:10, 664:12, 664:15, 668:15, 671:20, 671:24, 674:5, 675:2, 675:4, 675:11, 683:1, 697:25, 704:11, 704:17, 704:21, 704:24, 705:1, 705:4, 705:21, 707:13, 725:1, 750:16, 751:7, 751:10, 751:11, 751:12, 751:13, 751:15, 751:17, 751:19, 752:2
airports [11] - 650:7, 651:16, 652:18, 663:16, 664:3, 705:2, 749:23, 749:25, 750:6, 750:9, 750:12
Alberto [7] - 715:1, 717:8, 717:16, 721:1, 722:9, 729:6, 760:24
Alfredo [2] - 752:23, 753:5
aligning [1] - 756:16
allocated [4] - 746:8, 746:23, 746:24, 747:5
allocuted [1] - 746:20
allow [5] - 624:22, 654:16, 661:11, 662:20, 674:21
allowed [3] - 722:4, 751:17, 752:6
allows [1] - 764:10
Altitude [1] - 761:18
AMERICA [1] - 623:3
America [1] - 656:12
American [1] - 765:5
amount [4] - 632:5, 729:16, 729:19, 747:11
amounts [3] - 747:9, 747:14, 747:15
analysis [2] - 644:14, 644:19
analyst [1] - 690:17

angle [1] - 631:25
announce [1] - 664:6
anonymized [1] - 740:9
answer [22] - 624:15, 662:3, 670:14, 688:11, 688:12, 691:3, 691:6, 692:22, 692:23, 692:24, 694:14, 694:21, 695:11, 700:10, 701:15, 706:4, 706:16, 706:23, 706:25, 767:15
answered [1] - 694:11
anticipate [1] - 740:7
AOR [1] - 639:2
apart [1] - 697:4
apartment [1] - 762:10
apartments [4] - 737:5, 737:6, 761:19, 762:17
apologies [1] - 698:13
apologize [4] - 637:20, 643:13, 666:15, 744:14
appear [2] - 630:13, 631:10
application [1] - 740:2
applied [1] - 764:16
apply [3] - 633:2, 633:6, 633:9
applying [1] - 764:8
appoint [1] - 701:18
appointed [2] - 701:4, 703:18
appointment [3] - 624:25, 720:2, 720:8
approach [2] - 635:1, 647:11
approve [5] - 701:17, 701:18, 702:2, 702:3, 711:7
approved [1] - 710:24
area [29] - 639:1, 654:12, 654:20, 654:21, 656:16, 658:5, 678:1, 681:16, 681:17, 681:18, 682:15, 682:20, 687:16, 687:19, 688:8, 688:14, 698:8, 714:23, 728:3, 734:8, 735:2, 735:22, 735:25, 736:7, 737:6, 749:17, 751:15, 751:16
areas [10] - 629:22, 654:11, 654:20, 654:22, 654:25, 658:16, 687:25, 691:1, 716:22, 734:2
Arellano [14] - 644:24, 645:4, 647:14, 652:10, 661:3, 668:5, 674:3, 679:16, 681:23, 685:7, 703:13, 709:18, 711:17, 712:16
ARELLANO [2] - 646:1, 769:7
Arellano-Aguilera [2] - 644:24, 645:4
ARELLANO-AGUILERA [2] - 646:1, 769:7
arm [1] - 641:1
armed [2] - 721:10, 757:23
army [2] - 634:9, 720:10
arrest [14] - 638:24, 639:3, 639:5, 639:11, 684:16, 714:14, 751:25, 753:23, 754:3, 754:21, 760:13, 761:6, 761:13, 762:5
arrested [15] - 639:6, 684:18, 707:20, 714:15, 718:3, 731:10, 749:11, 753:5, 753:25, 754:4, 760:18, 762:25, 763:9, 763:10, 763:12
arrests [4] - 655:22, 656:17, 684:10,

684:12
arrival [1] - 656:8
arrive [1] - 663:3
arrived [4] - 632:9, 637:6, 664:6, 745:18
arrogant [1] - 668:21
artist [2] - 740:6, 741:16
ARTIST [6] - 744:2, 744:4, 744:9, 744:11, 744:15, 744:22
artists [2] - 741:24, 743:3
Arturo [28] - 722:14, 723:9, 723:12, 723:18, 725:24, 727:5, 729:6, 733:1, 733:14, 733:15, 733:18, 736:11, 737:11, 737:13, 737:17, 738:2, 738:5, 738:8, 752:22, 755:4, 760:7, 760:14, 760:17, 761:3, 761:7, 761:14, 761:16, 762:5
Arturo's [1] - 761:22
aside [3] - 635:12, 636:25, 726:24
assets [5] - 625:9, 625:14, 732:11, 732:14
assigned [7] - 628:10, 628:21, 650:8, 654:12, 704:8, 704:11, 730:19
assignment [2] - 650:1, 682:14
assigns [1] - 730:11
Assistant [1] - 623:19
assisted [2] - 628:25, 642:7
assisting [1] - 628:13
associated [3] - 714:11, 719:23, 762:12
assume [2] - 642:8, 642:9
Atlanta [1] - 728:10
attack [3] - 696:22, 697:6, 697:8
attempt [2] - 670:22, 762:4
attempts [2] - 668:19, 760:13
attention [2] - 661:12, 706:9
attitude [1] - 657:18
attorney [3] - 730:14, 731:8, 731:14
Attorney [1] - 623:15
Attorneys [1] - 623:19
audio [1] - 760:2
authorities [1] - 667:7
authority [2] - 676:1, 731:15
Avenue [4] - 678:24, 679:5, 679:17, 679:18
Avila [3] - 712:24, 713:7, 713:16
AVILA [2] - 713:11, 769:12
avoid [3] - 667:3, 730:12, 741:6
aware [4] - 662:10, 669:6, 693:23, 758:3

B

background [3] - 625:9, 646:10, 646:19
badges [2] - 718:23, 719:1
Baez [4] - 674:24, 675:10, 707:13, 707:20
Baez's [1] - 675:9
baggage [1] - 654:22
Bailón [3] - 658:11, 661:4, 674:4
Barbie [6] - 722:15, 723:20, 724:1, 737:8, 746:18, 762:8

Barragan [2] - 724:4, 762:3
Barragán [2] - 638:18, 639:17
Barragán's [1] - 638:24
based [2] - 728:4, 730:20
basis [2] - 673:19, 740:8
basketball [4] - 634:17, 634:21, 636:2, 637:12
bathrooms [1] - 735:1
became [4] - 652:4, 688:20, 688:23, 704:25
become [5] - 637:9, 649:8, 672:2, 715:19, 722:11
becomes [1] - 766:1
bedrooms [1] - 735:1
BEFORE [1] - 623:12
began [3] - 634:20, 719:8, 760:12
begin [3] - 649:18, 718:8, 742:1
beginning [3] - 745:14, 753:1, 762:9
behalf [3] - 746:13, 753:7, 753:10
behind [1] - 671:2
belong [1] - 684:18
belonged [3] - 640:18, 640:20, 669:11
Beltran [43] - 638:21, 640:21, 640:22, 695:9, 696:6, 727:5, 729:7, 733:1, 733:14, 736:11, 737:8, 737:12, 737:14, 737:17, 738:5, 739:2, 746:16, 752:17, 752:23, 753:5, 753:8, 753:10, 753:13, 753:19, 754:19, 754:23, 755:4, 755:17, 756:9, 756:14, 756:17, 760:11, 760:12, 760:14, 760:17, 761:4, 761:7, 761:14, 761:16, 761:22, 761:25, 762:5, 762:12
Beltran's [1] - 760:7
Beltrán [11] - 669:12, 714:12, 714:20, 722:14, 723:9, 723:12, 723:17, 725:8, 725:24, 726:2
Beltráns [2] - 660:7, 710:3
benefits [1] - 764:4
bent [1] - 665:8
best [1] - 684:24
betray [1] - 756:17
better [2] - 749:16, 749:17
between [8] - 642:11, 695:23, 713:23, 726:1, 754:23, 756:9, 756:25, 760:12
big [5] - 673:4, 734:23, 736:8, 737:15, 737:16
biggest [1] - 655:4
bit [6] - 625:7, 642:21, 691:5, 702:4, 719:9, 738:2
biweekly [1] - 654:6
blurred [1] - 744:7
board [3] - 647:11, 666:6, 712:7
body [2] - 756:24, 759:15
bodyguards [1] - 721:10
books [2] - 727:12, 727:13
Borrado [1] - 717:11
boss [8] - 647:2, 705:1, 705:2, 705:6, 705:8, 720:3
bosses [6] - 654:10, 655:12, 662:10,

673:11, 673:12, 706:8
bothered [2] - 701:10, 701:12
bottle [1] - 720:25
bought [11] - 729:17, 729:19, 730:6, 733:14, 733:20, 734:3, 734:7, 734:16, 734:18, 736:6, 737:11
bracelets [1] - 675:14
brand [1] - 738:13
break [9] - 665:17, 665:18, 668:5, 698:15, 699:10, 718:7, 738:10, 738:14, 738:16
BREON [1] - 623:15
BRIAN [1] - 623:12
bribe [1] - 709:23
Bribe [1] - 710:1
brick [1] - 636:4
brick-shaped [1] - 636:4
briefcase [3] - 664:16, 664:25, 665:7
briefcases [1] - 664:17
Briefly [1] - 716:3
briefly [5] - 631:24, 636:19, 714:21, 719:13, 759:5
bring [3] - 624:6, 664:15, 749:23
bringing [2] - 665:13, 691:23
broadcast [1] - 741:24
broke [1] - 759:20
Brooklyn [2] - 623:6, 623:17
brother [12] - 708:4, 708:8, 708:15, 708:18, 708:23, 709:2, 709:4, 709:8, 720:22, 723:14, 725:23, 752:23
brothers [17] - 649:10, 714:22, 723:8, 723:19, 725:22, 727:8, 733:1, 746:16, 748:6, 750:6, 753:11, 755:20, 756:11, 756:14, 760:9, 760:11
brutality [1] - 696:18
building [4] - 679:6, 679:16, 681:13, 699:4
buildings [2] - 698:22, 699:1
bumped [2] - 658:14, 664:24
bunch [1] - 660:11
bundles [6] - 634:20, 636:5, 636:7, 636:20, 637:6
burn [2] - 637:21, 759:14
burned [3] - 637:19, 637:22, 638:4
burning [3] - 638:13, 638:14, 759:9
buy [10] - 729:5, 729:12, 731:16, 732:20, 732:24, 733:25, 734:4, 734:15, 735:5, 736:23
buyer [2] - 731:6, 731:16
buying [3] - 729:2, 734:11, 738:12
BY [24] - 623:17, 623:20, 628:5, 639:25, 646:5, 657:2, 661:2, 668:4, 674:2, 684:2, 685:6, 703:12, 709:17, 711:25, 713:15, 727:2, 745:12, 769:5, 769:6, 769:8, 769:9, 769:10, 769:11, 769:13

C

Cabeza [5] - 748:18, 748:19, 749:2, 749:5

cabinet [4] - 676:4, 676:8, 691:1, 703:22
cabinet-level [2] - 676:4, 676:8
cadastral [4] - 730:12, 730:17, 730:19, 730:22
Cadman [1] - 623:16
Camacho [6] - 755:9, 755:18, 755:21, 756:1, 756:2, 756:4
campaign [1] - 691:14
Cancún [1] - 664:14
cannot [4] - 694:21, 695:11, 701:15, 741:17
car [3] - 719:16, 719:22, 761:5
Cardenas [7] - 651:22, 652:3, 652:4, 674:20, 683:5, 701:21, 710:25
career [2] - 649:18, 702:4
cargo [7] - 629:16, 629:18, 629:19, 631:21, 631:23, 632:9, 643:25
carried [2] - 675:16, 721:9
carry [1] - 655:22
cars [6] - 663:6, 663:12, 720:11, 728:13, 734:25, 737:16
Cartel [48] - 640:21, 640:22, 684:6, 684:19, 695:14, 710:3, 714:5, 714:8, 714:11, 714:17, 715:3, 716:1, 717:2, 717:20, 721:25, 722:11, 722:22, 724:9, 725:9, 725:22, 725:25, 726:3, 726:15, 727:19, 729:5, 730:7, 731:23, 732:21, 733:20, 734:3, 736:1, 736:24, 737:4, 737:7, 745:24, 746:4, 746:14, 749:6, 749:22, 750:8, 752:16, 757:2, 757:10, 757:16, 758:1, 758:20, 759:22, 760:3
cartel [45] - 684:5, 684:18, 687:20, 696:13, 698:9, 709:23, 710:1, 714:24, 715:6, 715:8, 715:17, 716:3, 721:6, 722:12, 722:16, 727:6, 727:23, 728:25, 729:2, 729:7, 729:9, 729:11, 733:2, 733:25, 734:5, 737:9, 739:1, 741:11, 746:2, 748:17, 749:12, 749:22, 750:4, 750:12, 751:8, 754:10, 755:4, 756:2, 757:20, 757:22, 758:3, 758:9, 759:2, 759:4, 761:15
cartel's [2] - 746:20, 747:6
cartels [4] - 682:25, 696:8, 696:23, 707:18
case [11] - 665:20, 672:3, 685:17, 685:19, 702:9, 731:3, 731:8, 738:17, 739:7, 765:1, 765:25
cases [1] - 629:1
cash [6] - 728:19, 728:21, 733:22, 736:19, 736:20, 748:24
CASTRO [67] - 623:20, 624:18, 625:4, 625:24, 626:5, 626:10, 648:6, 648:20, 651:4, 653:9, 654:15, 655:5, 658:24, 660:20, 661:10, 661:17, 661:22, 662:2, 662:4, 662:11, 662:19, 662:23, 663:7, 668:13, 668:23, 669:15, 669:19, 669:21, 670:2, 670:7, 670:9, 670:11, 670:13, 670:18, 671:7, 671:14, 674:18, 676:20, 677:15,

678:15, 679:11, 680:7, 681:9, 685:6, 692:6, 692:8, 693:20, 693:22, 698:12, 698:14, 698:17, 699:10, 699:13, 699:16, 699:18, 702:5, 703:10, 703:12, 709:13, 711:21, 711:25, 712:12, 712:18, 767:8, 768:18, 769:9, 769:11
CAUSE [2] - 623:11
Cell [2] - 726:12, 726:14
Center [4] - 628:11, 628:12, 663:20, 681:20
center [3] - 628:13, 678:3, 678:11
central [1] - 672:2
ceremonies [4] - 647:18, 650:23, 689:4, 689:5
certain [5] - 656:8, 656:11, 677:10, 709:20, 749:13
certainly [2] - 707:9, 767:22
CESAR [1] - 623:20
Cesar [1] - 762:14
chain [4] - 641:19, 676:13, 696:2, 704:14
chains [1] - 675:15
chance [2] - 625:8, 652:24
change [3] - 675:23, 752:20, 754:5
changed [1] - 675:22
changes [2] - 692:1, 693:2
chapel [1] - 736:9
Chapo [7] - 724:10, 753:8, 753:9, 754:24, 756:10, 756:16, 760:13
chapter [1] - 626:6
charge [15] - 664:12, 664:21, 703:21, 704:17, 704:21, 704:24, 714:22, 714:23, 715:23, 719:24, 719:25, 724:25, 750:4, 750:6, 755:6
charges [3] - 713:22, 713:25, 763:17
check [2] - 654:22, 733:22
chemical [2] - 644:14, 644:19
chemist [1] - 644:11
Chiapas [1] - 750:2
Chicago [1] - 728:10
chief [1] - 668:15
Chief [6] - 664:22, 665:9, 665:14, 674:16, 704:12, 705:19
chiefs [3] - 681:4, 692:19, 695:22
China [1] - 727:20
chosen [1] - 697:21
Christmas [1] - 761:11
circle [3] - 630:1, 631:4, 682:8
citizens [1] - 765:5
City [39] - 639:1, 639:2, 649:20, 649:23, 649:25, 650:10, 650:11, 651:17, 652:10, 652:15, 652:17, 652:19, 653:15, 654:14, 654:19, 655:15, 663:21, 663:22, 664:1, 678:21, 679:17, 681:14, 681:23, 682:10, 682:12, 684:7, 704:9, 710:14, 711:8, 716:24, 725:1, 736:24, 737:1, 750:1, 750:4, 753:15, 753:22, 754:12, 754:16
city [1] - 754:12

civil [4] - 729:15, 729:23, 731:21
clarified [1] - 626:23
clarify [3] - 710:4, 719:20, 720:5
clear [11] - 630:7, 630:16, 630:24, 633:22, 637:1, 670:18, 683:8, 721:3, 731:10, 733:11, 746:12
clearer [1] - 727:14
clearly [1] - 695:2
clerk [1] - 624:21
close [2] - 709:2, 755:10
closely [4] - 714:18, 714:19, 722:8, 723:13
closer [1] - 628:15
closest [1] - 666:7
closing [1] - 626:4
clothes [1] - 738:12
clothing [2] - 718:22, 738:7
cloud [2] - 660:23, 671:9
CMAU-5016299 [3] - 644:4, 644:7, 644:20
CMAU-5151560 [3] - 644:3, 644:6, 644:15
co [4] - 660:10, 672:1, 672:8, 673:3
co-conspirator [1] - 673:3
co-conspirators [3] - 660:10, 672:1, 672:8
cocaine [36] - 632:5, 632:20, 633:14, 633:21, 634:2, 634:19, 636:5, 636:13, 636:17, 637:11, 637:16, 637:18, 637:22, 638:4, 640:6, 640:13, 640:18, 641:25, 642:13, 642:15, 643:25, 644:2, 644:4, 644:16, 644:21, 727:20, 727:22, 728:1, 728:3, 728:6, 728:8, 728:11, 728:15, 751:20, 752:12
cock [2] - 725:15, 725:20
codes [6] - 655:25, 656:3, 669:7, 706:3, 706:15, 706:19
COGAN [1] - 623:12
Colima [2] - 629:5, 629:13
collaborating [1] - 760:8
colleague [2] - 647:11, 675:2
colleagues [6] - 656:9, 657:6, 657:22, 662:7, 693:13
colleagues' [1] - 657:16
college [1] - 716:10
Colombia [5] - 640:14, 640:16, 725:2, 728:7, 749:9
comfortable [1] - 763:5
coming [12] - 640:6, 640:14, 640:15, 656:11, 664:23, 670:12, 699:22, 728:6, 728:14, 728:18, 750:17, 765:1
command [13] - 656:5, 658:9, 661:6, 662:15, 671:20, 674:5, 676:13, 678:3, 678:11, 692:14, 692:16, 696:2, 704:14
Commander [2] - 658:9, 664:7
commands [1] - 660:6
comment [5] - 706:4, 706:16, 706:23, 706:25, 707:4
commentary [1] - 688:11
Commissioner [3] - 651:8, 652:6, 677:2

commissioner ^[1] - 677:22
committed ^[2] - 657:4, 706:9
communicate ^[2] - 726:8, 726:16
communication ^[1] - 765:24
communications ^[1] - 670:21
compare ^[1] - 652:17
compared ^[1] - 663:1
complete ^[1] - 669:22
completely ^[1] - 668:11
comply ^[1] - 744:19
computer ^[1] - 623:25
computer-aided ^[1] - 623:25
concealed ^[1] - 632:20
concern ^[1] - 625:18
concerned ^[1] - 670:23
concerns ^[1] - 688:14
conclusions ^[2] - 673:16, 673:20
condition ^[1] - 644:9
conduct ^[1] - 656:16
conducting ^[1] - 717:23
Conejo ^[2] - 724:24, 725:3
conference ^[7] - 659:4, 666:25, 667:14, 669:25, 673:21, 742:9, 744:25
conference.)(Continued ^[1] - 660:25
confirm ^[1] - 731:22
confirmed ^[1] - 640:16
conflict ^[7] - 682:21, 682:22, 753:12, 753:18, 754:23, 755:3, 756:9
connection ^[2] - 714:2, 715:25
consecutive ^[1] - 653:25
consented ^[1] - 741:7
consider ^[2] - 624:16, 625:12
conspiracy ^[4] - 670:20, 672:1, 672:24, 673:3
conspirator ^[1] - 673:3
conspirators ^[3] - 660:10, 672:1, 672:8
contact ^[2] - 722:6, 754:14
contained ^[3] - 644:16, 644:20, 660:8
container ^[13] - 629:16, 632:6, 632:7, 633:5, 636:21, 637:7, 637:8, 644:2, 644:4, 644:5, 644:7, 644:15, 644:20
containers ^[14] - 629:18, 631:23, 632:20, 633:12, 634:18, 634:19, 635:7, 635:12, 635:14, 636:23, 636:25, 640:17, 641:24, 643:25
Contel ^[4] - 663:20, 678:3, 678:4, 678:12
context ^[2] - 647:17, 692:5
Continue ^[1] - 674:22
continue ^[5] - 666:20, 691:9, 714:10, 745:9, 759:21
continued ^[3] - 717:25, 748:5, 761:24
Continued ^[16] - 627:22, 645:11, 656:20, 659:3, 666:24, 667:15, 669:25, 673:22, 683:16, 703:11, 726:25, 739:23, 740:14, 742:10, 743:10, 744:25
Continuing ^[2] - 657:1, 745:11
continuing ^[2] - 684:2, 727:2

continuous ^[1] - 633:25
contract ^[2] - 729:16, 732:10
control ^[3] - 704:6, 749:12, 749:17
Control ^[1] - 663:20
controlled ^[3] - 644:17, 644:21, 705:2
convenient ^[1] - 738:9
conversation ^[1] - 666:18
conversations ^[6] - 661:20, 661:25, 667:5, 668:9, 668:18, 726:19
cooperating ^[1] - 758:25
coordinated ^[2] - 640:5, 642:10
copy ^[1] - 648:1
corner ^[1] - 679:5
Correct ^[37] - 643:3, 670:11, 703:20, 703:24, 704:2, 704:4, 704:7, 704:10, 704:13, 705:5, 705:7, 705:10, 705:15, 705:17, 705:20, 705:23, 706:1, 707:8, 707:11, 707:14, 707:17, 707:19, 707:22, 708:1, 708:3, 708:5, 708:10, 709:5, 709:7, 710:6, 710:10, 710:12, 710:15, 710:19, 710:23, 711:2, 711:10
correct ^[27] - 640:7, 643:2, 686:18, 687:18, 687:21, 688:1, 689:1, 690:8, 690:18, 690:25, 692:2, 692:11, 693:25, 694:3, 694:4, 696:1, 696:15, 700:23, 704:1, 704:15, 704:17, 705:14, 706:22, 707:10, 707:21, 745:23, 763:18
correction ^[2] - 720:18, 755:14
correctly ^[3] - 758:23, 760:21, 762:6
corrupt ^[1] - 707:16
corruption ^[1] - 710:14
costs ^[1] - 734:17
counsel ^[5] - 624:25, 709:18, 710:7, 710:16, 710:24
counterpart ^[1] - 640:23
counterparts ^[6] - 629:2, 632:13, 632:19, 639:3, 640:9, 640:10
counting ^[1] - 686:21
country ^[5] - 639:2, 646:22, 713:16, 749:10, 765:4
couple ^[4] - 624:5, 630:3, 699:19, 763:2
course ^[3] - 662:21, 716:2, 741:4
COURT ^[159] - 623:1, 624:4, 624:20, 625:7, 625:12, 625:14, 625:17, 626:3, 626:7, 626:11, 626:17, 626:20, 627:6, 627:20, 628:7, 628:15, 629:9, 630:17, 630:21, 631:16, 635:2, 635:21, 638:11, 639:15, 639:22, 643:6, 643:10, 643:12, 643:16, 643:19, 643:22, 645:9, 647:13, 648:7, 648:21, 651:5, 653:10, 654:16, 655:6, 658:25, 659:2, 660:3, 660:9, 660:15, 660:18, 660:24, 661:11, 661:18, 661:23, 662:3, 662:6, 662:12, 662:20, 662:24, 663:9, 665:18, 665:23, 666:1, 666:11, 666:20, 667:2, 667:9, 667:12, 668:3, 668:14, 668:24, 669:16, 669:20, 669:24, 670:6, 670:8, 670:10, 670:12, 670:17, 670:19, 671:11, 671:18,

672:6, 672:25, 673:4, 673:14, 674:19, 674:21, 676:21, 677:16, 678:16, 679:12, 680:8, 681:10, 685:4, 690:16, 692:4, 692:9, 692:20, 693:21, 695:4, 698:16, 699:12, 699:14, 699:17, 702:7, 702:12, 703:3, 703:8, 707:5, 708:13, 709:11, 709:14, 711:23, 712:15, 712:19, 712:22, 716:5, 720:7, 724:20, 726:13, 736:5, 738:9, 738:15, 738:20, 738:24, 739:13, 739:16, 739:22, 740:2, 740:10, 741:20, 741:22, 742:8, 743:2, 743:7, 743:9, 744:3, 744:6, 744:10, 744:12, 744:16, 744:21, 744:23, 745:2, 745:4, 745:9, 746:22, 747:1, 747:3, 755:2, 765:20, 765:22, 766:8, 766:10, 766:16, 766:19, 766:24, 767:1, 767:7, 767:22, 768:10, 768:14, 768:16
Court ^[10] - 623:23, 627:17, 666:4, 666:14, 666:16, 713:9, 741:1, 741:13, 768:6, 768:7
court ^[16] - 624:1, 625:5, 634:17, 634:18, 634:21, 636:2, 636:4, 637:12, 661:1, 663:17, 668:1, 674:1, 703:2, 743:1, 745:1
Courthouse ^[1] - 623:5
courtroom ^[12] - 665:22, 666:7, 666:19, 703:7, 713:3, 738:23, 740:6, 741:16, 741:24, 741:25, 743:3, 766:9
COURTROOM ^[20] - 624:3, 627:10, 627:13, 627:16, 627:19, 644:25, 645:2, 645:5, 645:8, 665:21, 665:25, 702:10, 703:6, 713:1, 713:5, 713:8, 738:18, 745:6, 745:8, 766:6
cover ^[3] - 629:4, 655:1, 736:14
covered ^[3] - 629:5, 634:21, 746:3
cranes ^[1] - 631:22
create ^[2] - 727:11, 762:16
created ^[4] - 675:25, 682:15, 683:4, 718:18
credential ^[1] - 647:25
credentials ^[1] - 648:2
crime ^[5] - 657:4, 691:24, 697:13, 697:14, 705:22
crimes ^[6] - 683:15, 684:3, 684:4, 706:9
CRIMINAL ^[2] - 623:11
criminal ^[1] - 763:17
cross ^[11] - 639:22, 660:24, 673:8, 685:4, 703:9, 709:19, 710:7, 710:17, 765:20, 766:12, 766:18
CROSS ^[5] - 639:24, 685:5, 703:11, 769:6, 769:9
cross-examination ^[4] - 685:4, 709:19, 710:7, 710:17
CROSS-EXAMINATION ^[5] - 639:24, 685:5, 703:11, 769:6, 769:9
CRR ^[1] - 623:23
crystal ^[1] - 727:21
Cuernavaca ^[11] - 718:12, 728:3, 734:8, 734:11, 734:15, 734:19, 735:22,

<p>749:20, 756:5, 756:25, 761:18 currency [1] - 665:7 custody [1] - 642:25 customary [1] - 633:1 cuts [1] - 759:14 cutting [1] - 759:9</p>	<p>deliberate [1] - 626:25 deliberations [2] - 624:11, 626:22 delivered [1] - 644:7 delivery [1] - 647:20 demeanor [1] - 657:16 den [1] - 735:2 depict [1] - 635:8 depicted [2] - 679:24, 680:23 depiction [2] - 650:25, 677:11 DEPUTY [20] - 624:3, 627:10, 627:13, 627:16, 627:19, 644:25, 645:2, 645:5, 645:8, 665:21, 665:25, 702:10, 703:6, 713:1, 713:5, 713:8, 738:18, 745:6, 745:8, 766:6 deputy [1] - 713:3 describe [9] - 646:10, 646:19, 654:7, 654:19, 664:19, 676:18, 684:14, 734:23, 759:5 described [2] - 642:12, 654:25 designers [1] - 735:14 desires [1] - 741:12 despite [1] - 735:8 destroyed [3] - 642:16, 642:22, 643:2 detail [1] - 739:9 detain [1] - 755:22 detect [1] - 632:20 determination [1] - 739:19 determined [2] - 644:16, 644:20 develop [1] - 697:8 different [12] - 629:9, 631:25, 654:11, 677:22, 687:2, 687:8, 689:10, 694:9, 701:17, 747:15, 749:4, 757:6 difficult [1] - 666:7 difficulties [1] - 635:1 dining [1] - 735:1 DIOUF [64] - 623:19, 644:23, 645:10, 646:5, 647:4, 647:10, 647:22, 648:4, 648:11, 648:18, 649:21, 650:15, 651:3, 651:10, 651:23, 652:8, 652:21, 657:2, 659:1, 660:2, 660:4, 660:13, 660:16, 661:2, 661:13, 663:17, 665:16, 668:2, 668:4, 672:18, 674:2, 677:3, 677:14, 677:19, 678:6, 678:14, 678:25, 679:10, 679:22, 680:5, 680:16, 680:21, 681:7, 681:21, 683:8, 684:2, 685:1, 685:3, 690:15, 692:3, 692:7, 693:19, 695:3, 708:12, 709:10, 709:15, 709:17, 711:20, 712:13, 712:16, 724:15, 724:18, 769:8, 769:10 direct [16] - 628:18, 632:1, 632:16, 633:16, 638:22, 670:25, 690:12, 693:15, 693:24, 698:7, 698:18, 704:15, 705:24, 707:12, 754:2, 762:24 DIRECT [9] - 628:4, 646:4, 684:1, 713:14, 727:1, 745:11, 769:5, 769:8, 769:13 direction [2] - 741:16, 742:2 directly [4] - 746:15, 750:11, 754:8, 762:1 director [2] - 663:16, 690:18</p>	<p>disadvantages [1] - 687:16 disappear [3] - 753:7, 753:9, 753:10 disclose [2] - 767:3, 767:4 disclosed [1] - 741:4 disclosing [1] - 739:18 disclosure [1] - 767:12 discovered [1] - 632:8 discretion [3] - 662:1, 662:17, 662:18 discuss [2] - 668:22, 668:25 discussing [2] - 662:21, 672:1 discussions [3] - 624:9, 671:12, 671:21 disillusioned [3] - 685:11, 687:1, 687:5 dismantle [1] - 697:12 dismantling [2] - 696:25, 697:14 disobeying [1] - 662:8 display [2] - 633:20, 696:18 dissipate [1] - 626:8 dissuade [1] - 673:12 dissuaded [1] - 668:11 dissuading [3] - 667:6, 668:9, 673:13 distance [1] - 677:10 distribute [1] - 713:24 distributed [1] - 715:13 DISTRICT [3] - 623:1, 623:1, 623:12 District [1] - 623:16 division [9] - 650:4, 650:5, 650:6, 650:9, 677:23, 677:24, 677:25 divisions [1] - 677:23 document [5] - 729:22, 730:2, 746:8, 746:19, 747:5 documented [2] - 745:21, 747:10 documents [4] - 730:25, 731:18, 731:19, 731:22 dollar [1] - 734:14 dollars [11] - 665:3, 728:17, 728:19, 733:22, 733:24, 734:17, 735:4, 735:5, 735:19, 736:20, 748:24 done [17] - 625:21, 626:8, 626:9, 688:5, 715:4, 729:14, 729:23, 730:11, 730:12, 730:13, 731:7, 732:17, 733:8, 735:19, 741:15, 744:5, 755:24 Donovan [5] - 649:21, 651:11, 652:8, 677:19, 681:21 down [24] - 628:7, 638:16, 643:10, 649:13, 649:15, 649:22, 651:10, 652:9, 660:18, 664:24, 665:8, 666:2, 673:20, 677:20, 681:22, 684:24, 712:20, 712:21, 717:18, 718:7, 724:22, 735:18, 738:23, 739:6 downs [1] - 766:9 downtown [1] - 678:24 draw [2] - 624:24, 682:8 drawing [2] - 673:16, 673:20 dress [2] - 738:5, 739:4 dressed [1] - 761:4 drive [2] - 663:6, 687:14 drug [22] - 655:9, 655:14, 677:24, 682:25, 684:4, 684:8, 684:10, 684:12, 722:5, 734:1, 735:7, 735:21, 736:22,</p>
--	---	--

<p>745:17, 746:7, 746:19, 747:5, 749:1, 749:8, 753:23, 762:12, 763:3</p> <p>drugs [23] - 655:9, 660:8, 669:7, 684:17, 715:12, 715:14, 725:1, 725:2, 727:18, 728:8, 728:22, 745:18, 749:9, 749:23, 750:9, 751:9, 751:16, 751:18, 751:22, 751:24, 752:2, 752:15, 762:19</p> <p>due [1] - 764:2</p> <p>duly [5] - 627:8, 628:2, 644:11, 646:2, 713:11</p> <p>during [16] - 624:10, 626:21, 655:3, 658:14, 660:6, 661:6, 661:15, 684:7, 716:22, 723:4, 723:5, 724:11, 727:15, 727:18, 756:9, 759:5</p> <p>During [3] - 676:7, 711:8, 714:17</p> <p>duties [4] - 628:23, 657:11, 684:16, 690:13</p> <p>duty [1] - 697:7</p>	<p>energy [2] - 676:11, 689:11</p> <p>enforcement [10] - 628:13, 642:11, 643:24, 649:19, 651:12, 707:25, 709:19, 709:24, 710:2</p> <p>engaged [1] - 763:3</p> <p>engineer [1] - 691:10</p> <p>entailed [1] - 654:21</p> <p>enter [2] - 629:16, 629:18</p> <p>enters [6] - 626:16, 666:19, 702:11, 703:7, 712:25, 745:7</p> <p>entire [5] - 626:5, 634:21, 691:15, 695:24, 728:25</p> <p>entities [1] - 676:23</p> <p>entity [1] - 640:24</p> <p>entrance [2] - 653:15, 678:11</p> <p>entrances [1] - 654:21</p> <p>envious [1] - 701:24</p> <p>equal [1] - 697:23</p> <p>ERIN [1] - 623:18</p> <p>escape [1] - 761:14</p> <p>Esmerelda [3] - 632:9, 637:2, 637:3</p> <p>especially [1] - 728:8</p> <p>Espinoza [3] - 658:9, 661:5, 674:4</p> <p>ESQ [5] - 623:20, 623:21, 623:21, 623:22, 623:22</p> <p>established [2] - 670:19, 670:21</p> <p>estate [5] - 716:14, 716:15, 716:20, 716:23, 717:20</p> <p>Europe [1] - 656:13</p> <p>evaluations [6] - 693:5, 693:12, 694:12, 694:19, 694:25, 699:5</p> <p>evening [1] - 767:4</p> <p>eventually [3] - 637:19, 642:16, 721:22</p> <p>evidence [36] - 624:10, 624:23, 629:7, 630:4, 630:17, 630:19, 630:22, 631:14, 631:18, 635:19, 635:23, 638:9, 638:12, 639:13, 639:16, 647:5, 648:8, 648:22, 651:6, 651:23, 653:12, 677:17, 678:18, 679:14, 680:10, 681:11, 682:2, 683:6, 717:12, 722:18, 722:25, 723:10, 723:15, 723:23, 724:5, 724:21</p> <p>exact [1] - 768:3</p> <p>exactly [2] - 641:17, 730:4</p> <p>examination [10] - 673:8, 685:4, 693:15, 693:24, 698:7, 698:18, 707:12, 709:19, 710:7, 710:17</p> <p>EXAMINATION [18] - 628:4, 639:24, 646:4, 684:1, 685:5, 703:11, 709:16, 711:24, 713:14, 727:1, 745:11, 769:5, 769:6, 769:8, 769:9, 769:10, 769:11, 769:13</p> <p>examined [4] - 627:9, 628:3, 646:3, 713:12</p> <p>example [6] - 625:25, 649:9, 670:25, 700:22, 732:19, 748:12</p> <p>Excel [1] - 727:11</p> <p>exchange [1] - 749:7</p> <p>exhibit [9] - 638:16, 649:21, 651:10, 677:20, 680:6, 680:13, 717:18,</p>	<p>724:22, 741:19</p> <p>Exhibit [58] - 629:8, 630:6, 630:22, 638:12, 639:8, 639:12, 639:16, 643:14, 644:10, 647:5, 647:23, 648:8, 648:13, 648:22, 650:16, 651:6, 651:24, 652:8, 653:17, 653:20, 653:22, 666:4, 677:4, 677:17, 677:18, 678:7, 678:17, 678:19, 679:1, 679:13, 679:15, 679:23, 680:9, 680:11, 680:17, 681:11, 681:12, 682:3, 683:7, 717:13, 717:14, 722:18, 722:24, 723:10, 723:15, 723:24, 724:6, 724:14, 724:21, 770:3, 770:6, 770:7, 770:8, 770:9, 770:10, 770:12, 770:13, 770:14</p> <p>exhibits [3] - 630:4, 681:22, 698:18</p> <p>Exhibits [8] - 631:17, 634:23, 635:22, 652:22, 653:11, 770:4, 770:5, 770:11</p> <p>exist [1] - 675:19</p> <p>exits [5] - 665:22, 738:19, 738:23, 766:7, 766:9</p> <p>expect [2] - 660:2, 660:4</p> <p>expedite [1] - 692:20</p> <p>expenses [4] - 715:14, 715:17, 728:25, 745:19</p> <p>experience [6] - 633:6, 636:14, 729:12, 730:1, 730:6, 730:22</p> <p>explain [2] - 739:17, 740:8</p> <p>explained [1] - 741:9</p> <p>extravagantly [1] - 738:6</p> <p>extremely [1] - 697:19</p> <p>eye [1] - 691:19</p>
E		
<p>E-mail [1] - 623:24</p> <p>early [1] - 765:22</p> <p>earned [2] - 700:6, 700:19</p> <p>easier [1] - 744:16</p> <p>East [1] - 623:16</p> <p>EASTERN [1] - 623:1</p> <p>Eastern [1] - 623:16</p> <p>easy [2] - 697:1, 697:12</p> <p>eating [1] - 668:16</p> <p>economic [1] - 681:18</p> <p>economy [1] - 676:12</p> <p>Ed [1] - 738:13</p> <p>Edgar [3] - 723:22, 724:1, 762:7</p> <p>educated [1] - 700:3</p> <p>education [4] - 646:12, 646:21, 649:11, 696:25</p> <p>educational [1] - 646:10</p> <p>effect [5] - 639:3, 639:5, 667:6, 668:9</p> <p>effectuate [2] - 640:11, 642:12</p> <p>effort [1] - 642:10</p> <p>efforts [1] - 761:6</p> <p>eight [2] - 646:21, 654:4</p> <p>eighteen [1] - 767:10</p> <p>eighty [1] - 763:22</p> <p>either [6] - 666:18, 667:6, 705:11, 744:12, 756:19</p> <p>EI [7] - 628:11, 628:12, 638:19, 639:11, 724:10, 729:10, 756:16</p> <p>elected [1] - 691:13</p> <p>electrical [1] - 717:24</p> <p>element [1] - 637:13</p> <p>eligible [1] - 764:13</p> <p>employed [1] - 644:11</p> <p>end [3] - 649:5, 764:3, 767:13</p> <p>End [5] - 660:25, 667:14, 673:21, 742:9, 744:25</p> <p>ended [1] - 641:24</p> <p>ends [1] - 742:6</p> <p>energetic [1] - 689:13</p>	<p>energy [2] - 676:11, 689:11</p> <p>enforcement [10] - 628:13, 642:11, 643:24, 649:19, 651:12, 707:25, 709:19, 709:24, 710:2</p> <p>engaged [1] - 763:3</p> <p>engineer [1] - 691:10</p> <p>entailed [1] - 654:21</p> <p>enter [2] - 629:16, 629:18</p> <p>enters [6] - 626:16, 666:19, 702:11, 703:7, 712:25, 745:7</p> <p>entire [5] - 626:5, 634:21, 691:15, 695:24, 728:25</p> <p>entities [1] - 676:23</p> <p>entity [1] - 640:24</p> <p>entrance [2] - 653:15, 678:11</p> <p>entrances [1] - 654:21</p> <p>envious [1] - 701:24</p> <p>equal [1] - 697:23</p> <p>ERIN [1] - 623:18</p> <p>escape [1] - 761:14</p> <p>Esmerelda [3] - 632:9, 637:2, 637:3</p> <p>especially [1] - 728:8</p> <p>Espinoza [3] - 658:9, 661:5, 674:4</p> <p>ESQ [5] - 623:20, 623:21, 623:21, 623:22, 623:22</p> <p>established [2] - 670:19, 670:21</p> <p>estate [5] - 716:14, 716:15, 716:20, 716:23, 717:20</p> <p>Europe [1] - 656:13</p> <p>evaluations [6] - 693:5, 693:12, 694:12, 694:19, 694:25, 699:5</p> <p>evening [1] - 767:4</p> <p>eventually [3] - 637:19, 642:16, 721:22</p> <p>evidence [36] - 624:10, 624:23, 629:7, 630:4, 630:17, 630:19, 630:22, 631:14, 631:18, 635:19, 635:23, 638:9, 638:12, 639:13, 639:16, 647:5, 648:8, 648:22, 651:6, 651:23, 653:12, 677:17, 678:18, 679:14, 680:10, 681:11, 682:2, 683:6, 717:12, 722:18, 722:25, 723:10, 723:15, 723:23, 724:5, 724:21</p> <p>exact [1] - 768:3</p> <p>exactly [2] - 641:17, 730:4</p> <p>examination [10] - 673:8, 685:4, 693:15, 693:24, 698:7, 698:18, 707:12, 709:19, 710:7, 710:17</p> <p>EXAMINATION [18] - 628:4, 639:24, 646:4, 684:1, 685:5, 703:11, 709:16, 711:24, 713:14, 727:1, 745:11, 769:5, 769:6, 769:8, 769:9, 769:10, 769:11, 769:13</p> <p>examined [4] - 627:9, 628:3, 646:3, 713:12</p> <p>example [6] - 625:25, 649:9, 670:25, 700:22, 732:19, 748:12</p> <p>Excel [1] - 727:11</p> <p>exchange [1] - 749:7</p> <p>exhibit [9] - 638:16, 649:21, 651:10, 677:20, 680:6, 680:13, 717:18,</p>	<p>724:22, 741:19</p> <p>Exhibit [58] - 629:8, 630:6, 630:22, 638:12, 639:8, 639:12, 639:16, 643:14, 644:10, 647:5, 647:23, 648:8, 648:13, 648:22, 650:16, 651:6, 651:24, 652:8, 653:17, 653:20, 653:22, 666:4, 677:4, 677:17, 677:18, 678:7, 678:17, 678:19, 679:1, 679:13, 679:15, 679:23, 680:9, 680:11, 680:17, 681:11, 681:12, 682:3, 683:7, 717:13, 717:14, 722:18, 722:24, 723:10, 723:15, 723:24, 724:6, 724:14, 724:21, 770:3, 770:6, 770:7, 770:8, 770:9, 770:10, 770:12, 770:13, 770:14</p> <p>exhibits [3] - 630:4, 681:22, 698:18</p> <p>Exhibits [8] - 631:17, 634:23, 635:22, 652:22, 653:11, 770:4, 770:5, 770:11</p> <p>exist [1] - 675:19</p> <p>exits [5] - 665:22, 738:19, 738:23, 766:7, 766:9</p> <p>expect [2] - 660:2, 660:4</p> <p>expedite [1] - 692:20</p> <p>expenses [4] - 715:14, 715:17, 728:25, 745:19</p> <p>experience [6] - 633:6, 636:14, 729:12, 730:1, 730:6, 730:22</p> <p>explain [2] - 739:17, 740:8</p> <p>explained [1] - 741:9</p> <p>extravagantly [1] - 738:6</p> <p>extremely [1] - 697:19</p> <p>eye [1] - 691:19</p>
F		
<p>face [3] - 742:2, 744:7, 759:14</p> <p>facing [1] - 655:4</p> <p>fact [9] - 662:5, 662:17, 662:22, 668:25, 672:3, 674:15, 694:11, 741:3, 760:24</p> <p>Facuna [1] - 670:4</p> <p>Facundo [6] - 651:8, 652:6, 674:20, 677:2, 677:8, 677:11</p> <p>fair [11] - 630:13, 631:10, 635:15, 638:5, 642:10, 648:1, 650:25, 677:11, 686:2, 692:23, 697:20</p> <p>fairly [1] - 635:8</p> <p>fall [1] - 629:12</p> <p>familiar [14] - 638:17, 638:19, 646:24, 647:1, 674:24, 675:1, 714:5, 715:19, 722:11, 724:24, 725:14, 732:6, 735:22, 737:1</p> <p>familiarity [1] - 739:2</p> <p>families [1] - 726:23</p> <p>family [6] - 687:17, 700:24, 707:25, 721:8, 734:22, 760:1</p> <p>fancy [1] - 681:16</p> <p>far [9] - 670:10, 682:12, 687:17, 694:18, 716:9, 723:8, 739:8, 754:17, 764:12</p> <p>faster [2] - 732:1, 732:5</p> <p>father [2] - 649:9, 708:2</p>	<p>face [3] - 742:2, 744:7, 759:14</p> <p>facing [1] - 655:4</p> <p>fact [9] - 662:5, 662:17, 662:22, 668:25, 672:3, 674:15, 694:11, 741:3, 760:24</p> <p>Facuna [1] - 670:4</p> <p>Facundo [6] - 651:8, 652:6, 674:20, 677:2, 677:8, 677:11</p> <p>fair [11] - 630:13, 631:10, 635:15, 638:5, 642:10, 648:1, 650:25, 677:11, 686:2, 692:23, 697:20</p> <p>fairly [1] - 635:8</p> <p>fall [1] - 629:12</p> <p>familiar [14] - 638:17, 638:19, 646:24, 647:1, 674:24, 675:1, 714:5, 715:19, 722:11, 724:24, 725:14, 732:6, 735:22, 737:1</p> <p>familiarity [1] - 739:2</p> <p>families [1] - 726:23</p> <p>family [6] - 687:17, 700:24, 707:25, 721:8, 734:22, 760:1</p> <p>fancy [1] - 681:16</p> <p>far [9] - 670:10, 682:12, 687:17, 694:18, 716:9, 723:8, 739:8, 754:17, 764:12</p> <p>faster [2] - 732:1, 732:5</p> <p>father [2] - 649:9, 708:2</p>	<p>face [3] - 742:2, 744:7, 759:14</p> <p>facing [1] - 655:4</p> <p>fact [9] - 662:5, 662:17, 662:22, 668:25, 672:3, 674:15, 694:11, 741:3, 760:24</p> <p>Facuna [1] - 670:4</p> <p>Facundo [6] - 651:8, 652:6, 674:20, 677:2, 677:8, 677:11</p> <p>fair [11] - 630:13, 631:10, 635:15, 638:5, 642:10, 648:1, 650:25, 677:11, 686:2, 692:23, 697:20</p> <p>fairly [1] - 635:8</p> <p>fall [1] - 629:12</p> <p>familiar [14] - 638:17, 638:19, 646:24, 647:1, 674:24, 675:1, 714:5, 715:19, 722:11, 724:24, 725:14, 732:6, 735:22, 737:1</p> <p>familiarity [1] - 739:2</p> <p>families [1] - 726:23</p> <p>family [6] - 687:17, 700:24, 707:25, 721:8, 734:22, 760:1</p> <p>fancy [1] - 681:16</p> <p>far [9] - 670:10, 682:12, 687:17, 694:18, 716:9, 723:8, 739:8, 754:17, 764:12</p> <p>faster [2] - 732:1, 732:5</p> <p>father [2] - 649:9, 708:2</p>

Fe [3] - 737:2, 737:6, 762:10
fear [1] - 760:6
February [1] - 768:20
Federal [2] - 675:18, 675:19
federal [89] - 628:14, 632:12, 634:7, 634:15, 637:13, 640:25, 641:1, 641:2, 641:9, 641:13, 641:18, 641:21, 646:20, 646:22, 647:3, 647:25, 648:1, 649:2, 649:4, 649:5, 649:6, 649:12, 650:6, 651:13, 652:5, 654:13, 654:25, 656:4, 675:6, 675:17, 675:22, 675:23, 675:25, 676:7, 676:14, 676:22, 676:24, 677:1, 677:21, 677:23, 678:2, 681:3, 683:15, 684:3, 684:20, 688:21, 688:23, 689:10, 690:1, 691:15, 693:3, 695:7, 695:25, 696:5, 698:23, 703:16, 703:17, 703:21, 703:25, 705:16, 705:18, 705:19, 708:8, 708:11, 708:16, 708:19, 709:6, 709:9, 715:15, 715:24, 717:22, 718:9, 718:17, 720:11, 746:1, 746:13, 746:15, 748:9, 749:13, 749:15, 750:8, 750:12, 751:9, 751:13, 751:19, 752:3, 752:9, 760:19, 761:4
fell [3] - 629:13, 664:25, 665:7
fellow [3] - 657:21, 664:22, 711:13
felt [10] - 649:13, 649:17, 668:11, 671:11, 684:23, 684:24, 693:18, 693:25, 700:4, 712:5
few [8] - 640:3, 686:19, 698:18, 699:4, 709:1, 721:6, 722:17, 725:11
field [1] - 628:10
fifteen [1] - 763:24
fight [5] - 691:24, 695:9, 695:13, 695:14, 696:5
fighting [2] - 725:15, 760:12
Fights [1] - 682:25
fight [1] - 725:20
figure [1] - 768:2
filled [1] - 634:19
final [3] - 624:14, 626:24, 712:13
finance [1] - 676:9
financial [2] - 733:4, 733:5
fine [4] - 624:18, 627:1, 692:25, 767:1
finger [1] - 682:3
finish [8] - 654:8, 662:13, 693:20, 699:14, 699:16, 703:9, 716:11, 765:3
finished [1] - 636:10
fired [3] - 708:11, 708:15, 709:8
First [1] - 671:19
first [18] - 624:7, 624:21, 627:8, 628:2, 629:22, 630:5, 634:10, 635:4, 643:14, 646:2, 660:21, 669:23, 670:16, 685:9, 711:3, 713:11, 765:12, 766:12
five [5] - 653:25, 737:16, 758:13, 758:14, 758:16
flashy [1] - 738:6
flight [1] - 750:24
flights [4] - 652:20, 654:22, 656:8, 656:11

floor [2] - 699:8, 699:9
FLORIAN [1] - 623:22
flow [1] - 652:20
follow [1] - 694:16
followed [3] - 649:9, 689:22, 689:25
following [7] - 660:1, 667:1, 670:1, 683:16, 740:1, 741:1, 744:1
follows [5] - 627:9, 628:3, 646:3, 713:13, 751:4
force [4] - 688:3, 693:17, 697:6, 697:7
forces [1] - 677:23
foreign [2] - 629:1, 629:17
Form [1] - 662:19
form [2] - 728:18, 767:4
formed [1] - 637:14
foundation [5] - 666:13, 667:4, 672:13, 716:6, 755:2
Four [1] - 716:10
four [3] - 654:20, 734:14, 734:25
four-million-dollar [1] - 734:14
fractured [1] - 759:19
Francisco [6] - 755:9, 755:18, 755:21, 756:1, 756:2, 756:4
free [1] - 765:17
freely [3] - 684:15, 688:9, 698:3
frequently [1] - 664:11
Friday [1] - 736:15
friend [2] - 755:11, 760:6
friends [2] - 693:16, 694:10
front [3] - 660:14, 685:20, 729:14
frozen [2] - 625:9, 625:14
full [5] - 645:3, 698:9, 723:21, 724:3, 731:15
furtherance [7] - 661:12, 666:13, 671:25, 672:24, 673:2, 673:11, 673:13

G

GARCIA [1] - 623:8
Garcia [52] - 641:22, 646:24, 647:9, 647:15, 651:9, 652:7, 670:4, 671:1, 676:2, 676:25, 679:9, 688:20, 690:9, 691:10, 693:1, 695:8, 695:12, 695:16, 695:21, 698:19, 698:25, 700:18, 701:19, 703:16, 704:12, 707:10, 710:25, 711:17, 715:20, 715:25, 716:3, 718:15, 721:16, 721:21, 722:2, 746:4, 746:9, 746:21, 747:6, 747:10, 747:16, 747:18, 748:2, 748:4, 748:7, 749:7, 754:25, 755:5, 755:15, 755:22, 756:3
garden [1] - 736:9
Garnica [1] - 762:14
gate [1] - 654:22
gears [1] - 688:19
GENARO [1] - 623:8
Genaro [35] - 641:15, 646:24, 647:9, 651:9, 652:7, 670:4, 674:17, 676:2, 676:25, 679:9, 701:18, 711:17, 715:20, 715:25, 716:3, 718:15,

721:16, 721:21, 722:2, 746:4, 746:9, 747:6, 747:10, 747:16, 747:18, 748:2, 748:4, 748:7, 749:7, 754:25, 755:5, 755:15, 755:22, 756:3
General [2] - 720:12, 720:17
general [5] - 663:16, 672:20, 691:23, 706:2, 706:14
generally [14] - 672:10, 705:21, 715:10, 716:22, 717:7, 717:19, 730:24, 731:3, 733:22, 734:10, 737:13, 737:19, 747:9, 748:6
gentlemen [7] - 626:18, 643:17, 665:19, 685:8, 702:7, 738:16, 765:23
gesture [1] - 720:7
gift [1] - 755:23
Giglio [1] - 768:6
given [10] - 624:14, 658:20, 662:14, 684:23, 689:9, 700:5, 701:21, 702:6, 711:12, 755:25
glass [1] - 720:25
gleaned [1] - 672:10
golden [1] - 675:16
goods [2] - 629:16, 662:22
Gordo [1] - 717:6
GOTLIB [10] - 623:21, 630:20, 631:15, 635:20, 638:10, 639:14, 639:23, 639:25, 643:5, 769:6
government [17] - 633:3, 633:20, 634:6, 640:5, 642:16, 649:24, 669:14, 674:9, 674:12, 745:24, 750:23, 753:23, 753:24, 754:7, 754:20, 763:7, 764:18
Government [75] - 623:15, 624:10, 626:7, 627:4, 629:8, 630:6, 634:23, 639:8, 639:12, 643:12, 643:14, 644:10, 644:23, 647:5, 647:23, 648:13, 650:16, 651:24, 652:22, 653:13, 653:17, 653:20, 653:22, 666:8, 670:14, 670:19, 677:4, 677:17, 678:7, 678:17, 679:1, 679:13, 679:23, 680:9, 680:17, 681:11, 682:2, 683:6, 685:16, 685:19, 685:20, 687:1, 687:8, 691:7, 694:5, 700:12, 710:8, 710:11, 710:14, 710:20, 712:1, 712:2, 712:8, 712:23, 717:12, 722:18, 722:24, 723:10, 723:15, 723:23, 724:5, 724:14, 724:18, 724:21, 730:11, 730:20, 741:7, 744:18, 752:24, 759:1, 764:24, 767:14, 770:12, 770:13, 770:14
government's [1] - 624:20
Government's [23] - 627:3, 630:22, 631:17, 635:22, 638:12, 639:16, 648:8, 648:22, 651:6, 653:11, 672:6, 712:22, 738:25, 741:9, 770:3, 770:4, 770:5, 770:6, 770:7, 770:8, 770:9, 770:10, 770:11
Grande [12] - 638:19, 639:11, 722:15, 724:2, 724:8, 724:25, 729:10, 753:14, 754:19, 760:11, 761:15, 762:3
grant [1] - 740:10

granted [4] - 741:13, 765:8, 765:10, 765:11
grass [1] - 739:3
gray [1] - 700:2
ground [1] - 741:23
group [37] - 657:23, 658:1, 658:3, 658:6, 658:8, 658:13, 658:17, 658:21, 658:22, 660:5, 660:13, 660:17, 660:22, 661:4, 662:7, 662:16, 662:25, 663:5, 666:18, 667:5, 668:6, 668:8, 668:17, 668:22, 669:9, 669:13, 670:21, 674:5, 675:3, 683:1, 694:10, 710:21, 718:21, 719:6, 726:3, 752:18
Groups [1] - 710:3
groups [8] - 634:11, 647:20, 689:8, 709:20, 709:23, 710:1, 710:2, 710:4
grudge [1] - 711:17
Guadalajara [6] - 628:21, 629:3, 629:12, 629:23, 634:3, 664:13
guaranteed [1] - 764:23
guard [1] - 697:25
guarded [1] - 720:10
Guerrero [5] - 714:23, 716:24, 750:2, 750:7, 750:9
guided [2] - 751:14, 751:15
Guillermo [4] - 674:24, 675:9, 675:10, 707:13
guilty [2] - 713:25, 763:17
Gulf [5] - 684:6, 684:19, 695:9, 695:14, 696:5
gun [2] - 675:16, 757:20
guns [1] - 757:22
guy [5] - 660:11, 671:4, 725:7, 748:13
guys [1] - 672:15
Guzman [1] - 724:10
GX33 [1] - 741:18

H

hair [1] - 700:2
half [3] - 720:22, 734:17, 735:4
hallway [1] - 664:24
hallways [1] - 658:15
hand [5] - 627:11, 644:25, 713:1, 747:12, 748:22
handed [2] - 736:15, 748:21
handle [1] - 675:16
handled [1] - 655:25
hands [3] - 759:16, 759:18, 759:19
Hang [2] - 674:21
hang [1] - 627:2
hangout [1] - 694:3
happy [13] - 657:19, 660:8, 662:5, 669:2, 669:17, 670:4, 670:8, 674:16, 693:8, 693:11, 694:19, 694:22, 711:15
Hardy [1] - 738:13
head [12] - 641:13, 641:17, 650:13, 651:16, 651:21, 652:4, 663:14, 665:6, 676:24, 688:20, 688:23, 703:16
head's [1] - 767:15

heading [1] - 658:15
headquarters [1] - 678:2
heads [8] - 663:1, 664:2, 664:5, 664:8, 664:10, 664:15, 689:19, 696:20
hear [16] - 625:24, 660:3, 661:5, 661:16, 662:3, 668:22, 669:11, 669:17, 674:8, 694:13, 706:24, 718:20, 726:19, 740:2, 744:18, 761:1
heard [12] - 660:21, 661:9, 661:14, 661:20, 668:18, 671:12, 671:17, 673:17, 674:10, 674:13, 674:14, 691:11
hearing [4] - 624:12, 671:11, 671:15, 692:10
hearsay [2] - 667:3, 692:7
Hector [8] - 722:14, 723:17, 725:24, 729:7, 737:8, 761:22, 761:25
Hector's [1] - 752:22
held [1] - 690:20
helicopter [4] - 737:19, 737:20, 737:23, 737:25
helicopters [1] - 737:17
helipad [1] - 737:24
heliport [1] - 739:3
help [10] - 633:9, 688:4, 688:8, 688:10, 715:5, 715:7, 727:15, 750:8, 752:8
helped [7] - 727:11, 745:14, 750:12, 751:16, 751:18, 762:16, 762:17
heroin [2] - 713:24, 727:20
hi [1] - 744:2
hide [2] - 732:10, 747:21
hideout [1] - 751:23
hie [1] - 731:25
high [7] - 625:19, 681:18, 692:14, 692:16, 692:19, 701:13, 730:13
high-paid [1] - 625:19
high-ranking [1] - 692:19
higher [6] - 655:21, 656:1, 662:10, 706:3, 706:15, 730:4
higher-ups [2] - 655:21, 662:10
highest [2] - 652:20, 734:13
highways [1] - 650:7
himself [2] - 746:12, 748:8
hippopotamus [1] - 738:4
hired [2] - 735:13, 735:17
history [2] - 642:13, 716:8
hit [2] - 633:11, 759:20
hitting [1] - 759:9
hold [4] - 624:14, 626:22, 628:19, 711:17
Hold [3] - 669:20, 674:19, 746:22
holdover [1] - 767:17
home [2] - 649:11, 733:17
homes [1] - 732:23
honest [1] - 688:10
Honor [41] - 625:10, 626:15, 627:4, 627:21, 630:20, 631:15, 634:25, 635:20, 638:10, 639:23, 643:8, 643:13, 643:20, 645:10, 647:10,

659:1, 661:13, 662:2, 665:16, 666:9, 668:2, 669:19, 669:22, 685:1, 702:5, 709:15, 712:13, 712:23, 720:6, 736:4, 738:14, 739:11, 739:14, 739:21, 741:2, 743:6, 744:14, 746:25, 765:18, 767:3, 768:1
HONORABLE [1] - 623:12
hopefully [1] - 739:18
hoping [1] - 764:4
horns [1] - 749:4
host [1] - 629:1
hour [2] - 702:8, 702:12
hours [5] - 654:2, 654:4, 657:15, 682:13, 687:15
house [41] - 718:2, 718:5, 718:6, 719:11, 719:17, 719:18, 719:22, 720:15, 720:24, 730:2, 730:23, 731:1, 732:20, 732:24, 733:12, 733:14, 733:15, 734:14, 734:15, 734:20, 734:21, 734:23, 735:3, 735:6, 735:8, 735:10, 736:8, 736:10, 736:12, 736:14, 736:15, 737:21, 751:23, 755:23, 755:25, 756:2, 760:7
houses [33] - 715:5, 715:16, 717:21, 718:1, 718:8, 719:5, 719:9, 719:25, 728:24, 729:2, 729:5, 729:8, 729:12, 732:23, 733:18, 733:20, 733:25, 734:3, 734:4, 734:6, 734:10, 734:16, 734:18, 735:25, 736:6, 736:8, 736:23, 737:4, 737:15, 738:1, 757:7, 760:25, 762:17
huge [1] - 626:2
hundred [1] - 763:22
hydrochloride [2] - 644:16, 644:21

I

I-B-A-N-E-Z [1] - 627:18
Ibanez [3] - 627:5, 627:15, 628:6
IBANEZ [3] - 627:7, 628:1, 769:4
idea [3] - 672:20, 735:15, 767:19
identification [15] - 630:5, 631:6, 634:22, 637:24, 639:8, 647:23, 648:12, 650:16, 652:22, 677:4, 678:7, 679:1, 679:23, 680:17, 724:14
identified [5] - 671:19, 671:22, 717:22, 718:9, 741:17
identifies [1] - 671:22
identifying [1] - 673:10
ignored [1] - 656:9
Il [2] - 644:17, 644:21
illegal [4] - 655:7, 655:13, 662:22, 713:23
Illinois [1] - 763:18
images [1] - 637:20
imagine [1] - 747:21
immigration [1] - 763:13
Immigration [1] - 763:14
imminent [1] - 741:12
impact [1] - 662:18

important [3] - 633:6, 672:5, 766:2
impression [2] - 660:11, 738:24
impressions [1] - 673:15
in-person [1] - 726:8
incentive [1] - 673:4
incident [1] - 636:15
incidents [1] - 633:8
inclined [1] - 624:22
include [1] - 734:8
including [1] - 741:10
incorrect [1] - 731:20
incurred [1] - 715:14
independence [3] - 679:21, 680:2, 680:12
indicate [1] - 682:3
indicated [1] - 640:13
indicating [1] - 631:3
individual [2] - 648:14, 674:24
individuals [5] - 671:21, 671:23, 674:8, 714:10, 715:8
inference [2] - 673:7
influence [2] - 709:23, 710:1
inform [1] - 695:12
informants [1] - 697:9
information [7] - 632:12, 632:14, 632:15, 641:2, 642:14, 672:10, 697:9
informed [2] - 632:19, 641:8
initial [1] - 641:8
initiated [1] - 689:6
injured [1] - 759:18
injuries [3] - 759:10, 759:16, 759:17
inner [1] - 749:18
innocence [1] - 624:23
innocent [2] - 687:22, 696:11
innuendo [1] - 670:24
inputs [1] - 629:9
inquire [3] - 627:20, 645:9, 668:2
inside [5] - 629:20, 637:8, 664:17, 665:1, 697:8
instance [1] - 633:12
instead [2] - 739:3, 746:23
institute [2] - 692:1, 693:2
institutions [1] - 649:25
instruction [2] - 624:25, 655:11
instructions [6] - 624:14, 626:24, 654:10, 694:16, 706:8, 706:22
instructor [2] - 646:12, 646:21
integration [1] - 676:23
Intelligence [2] - 628:11, 628:12
intelligence [9] - 628:10, 628:20, 628:23, 640:6, 640:8, 640:13, 640:15, 640:24, 677:23
intend [1] - 626:5
intending [2] - 667:8, 692:11
intent [1] - 713:23
interacted [1] - 647:14
interactions [1] - 760:3
interdiction [7] - 633:10, 750:18, 750:21, 750:23, 751:3, 751:4, 751:7

interest [1] - 679:19
interested [1] - 633:4
interior [2] - 676:9, 735:14
Interior [1] - 690:24
internet [1] - 765:25
Interpreter [1] - 720:5
INTERPRETER [7] - 698:10, 698:13, 720:5, 720:18, 729:20, 736:4, 755:14
interpreter [4] - 698:10, 713:12, 713:13, 755:14
interpreter's [1] - 736:4
Interpreter's [1] - 720:18
introduced [1] - 692:18
introduction [1] - 626:1
investigate [1] - 732:2
investigation [3] - 632:10, 641:7, 682:15
investigations [4] - 683:4, 683:14, 698:1, 718:17
Investigations [1] - 683:13
investigator [1] - 697:11
investing [1] - 728:22
involved [11] - 634:12, 696:13, 725:15, 738:7, 738:12, 750:11, 750:25, 757:3, 757:5, 759:3, 762:19
involvement [1] - 638:23
Israel [5] - 658:9, 661:4, 674:4, 712:23, 713:7
ISRAEL [2] - 713:11, 769:12
issue [2] - 626:2, 706:15
issued [3] - 656:5, 656:15, 657:7
issues [4] - 656:10, 690:21, 690:25, 693:14
items [1] - 767:3
itself [1] - 734:1

J

jail [1] - 713:22
jails [1] - 676:23
Jalisco [2] - 629:5, 664:13
Jane [1] - 744:22
January [1] - 623:7
jealous [1] - 701:22
jewelry [5] - 663:11, 675:13, 675:14, 728:22, 738:6
jigsaw [1] - 636:8
Jiutepec [2] - 735:23, 736:7
Joaquin [1] - 724:10
job [3] - 689:14, 700:4, 705:21
jobs [1] - 694:20
join [2] - 671:1, 673:5
joined [3] - 649:6, 655:25, 752:16
joking [1] - 761:3
Jones [3] - 644:11, 644:13, 644:18
Jose [3] - 658:10, 671:21, 671:22
journalist [2] - 754:10, 754:14
journalists [1] - 754:11
Judge [13] - 624:8, 624:18, 624:19,

625:24, 663:7, 668:13, 669:21, 671:14, 672:19, 698:17, 703:10, 742:7, 767:8
JUDGE [1] - 623:12
judge [4] - 625:4, 694:13, 699:10, 764:22
judicial [2] - 720:19, 748:13
July [8] - 686:11, 686:23, 710:8, 710:13, 710:20, 712:1, 712:8
June [1] - 686:8
jurisdiction [1] - 629:14
juror [2] - 666:5, 666:6
Juror [1] - 624:7
jurors [2] - 666:3, 666:7
JURY [1] - 626:19
Jury [7] - 661:1, 665:22, 666:19, 668:1, 674:1, 703:2, 703:7
jury [28] - 623:12, 624:1, 624:6, 624:10, 624:13, 624:24, 625:18, 625:20, 626:11, 626:16, 648:5, 666:1, 666:21, 680:6, 681:8, 702:11, 703:3, 703:5, 706:18, 706:21, 707:9, 738:19, 743:1, 744:2, 744:4, 745:1, 745:7, 766:7
justification [1] - 733:5

K

keep [7] - 665:17, 694:20, 699:17, 715:11, 757:8, 759:23, 761:22
kept [3] - 642:20, 753:13, 753:19
kidnapped [2] - 755:16, 756:3
kill [1] - 759:25
killed [11] - 687:23, 718:2, 719:15, 756:12, 756:13, 757:9, 757:13, 760:7, 760:9, 761:18
kilogram [1] - 713:24
kilograms [3] - 643:24, 644:2, 644:3
kilos [2] - 751:21, 752:12
kind [11] - 636:1, 636:7, 636:10, 637:14, 689:11, 690:3, 716:13, 717:24, 726:17, 732:9, 757:18
kinds [11] - 715:4, 715:10, 716:16, 726:11, 727:18, 737:13, 738:3, 747:9, 749:6, 757:5, 762:15
knowing [2] - 673:12, 717:22
knowledge [2] - 673:19, 763:7
known [2] - 721:24, 724:10
knows [1] - 670:14
KOMATIREDDY [30] - 623:17, 624:19, 625:10, 625:13, 625:16, 626:14, 666:9, 666:12, 667:3, 667:10, 667:13, 669:22, 671:17, 671:19, 673:10, 739:14, 739:21, 740:4, 741:2, 742:7, 743:5, 744:14, 744:20, 766:11, 766:17, 766:20, 767:2, 768:1, 768:11, 768:15

L

lab [1] - 644:10

Laboratory [2] - 644:8, 644:12
lack [1] - 763:7
Ladies [1] - 665:18
ladies [6] - 626:18, 643:16, 685:8, 702:7, 738:16, 765:23
laid [1] - 673:18
land [3] - 737:20, 738:1, 739:3
landed [2] - 737:23, 751:15
language [1] - 626:15
large [7] - 629:19, 631:22, 632:5, 734:20, 734:24, 735:2, 736:9
largest [3] - 636:17, 642:13, 734:16
last [11] - 627:16, 645:5, 657:14, 708:23, 713:8, 725:12, 725:18, 729:18, 761:25, 762:2, 762:7
lasted [1] - 657:13
late [1] - 663:3
laundry [1] - 735:2
Laura [1] - 644:11
law [11] - 628:13, 642:11, 643:23, 649:18, 651:12, 707:25, 709:19, 709:24, 710:2, 764:10
laws [1] - 763:8
lawyer [1] - 764:6
lawyers [3] - 625:19, 666:22, 738:21
lay [2] - 634:20, 672:12
laying [1] - 666:12
layout [1] - 654:19
leaders [1] - 722:12
leadership [2] - 691:24, 699:22
learn [4] - 656:3, 721:22, 752:9, 760:22
learned [7] - 655:25, 688:24, 719:9, 719:22, 721:12, 721:18, 722:1
learning [1] - 751:6
least [1] - 698:22
leave [10] - 649:12, 656:10, 657:7, 666:8, 681:23, 708:21, 711:13, 751:17, 752:6, 765:22
leaves [1] - 643:11
leaving [1] - 687:3
led [2] - 719:14, 758:24
ledgers [12] - 715:7, 715:10, 727:9, 727:11, 727:16, 745:13, 745:21, 746:9, 746:19, 747:4, 747:16, 749:3
left [13] - 630:1, 649:6, 657:20, 657:22, 687:2, 687:5, 687:13, 698:8, 708:17, 709:12, 752:2, 752:8, 756:25
legally [3] - 730:11, 730:25, 731:5
lend [1] - 732:16
length [1] - 636:2
less [5] - 629:25, 658:5, 686:24, 758:13, 758:17
letter [2] - 624:21, 625:5
letting [1] - 655:12
level [10] - 676:4, 676:8, 695:22, 695:24, 697:24, 701:13, 715:16, 715:24, 729:10, 739:8
levels [2] - 745:24, 746:2
Leyva [24] - 638:21, 640:21, 640:22,

695:9, 696:6, 722:14, 722:15, 723:9, 723:12, 723:17, 725:24, 727:5, 729:7, 733:1, 733:14, 736:11, 739:3, 746:16, 752:23, 753:5, 760:11, 761:14, 761:17, 762:5
Leyvas [19] - 669:12, 714:12, 714:20, 714:21, 725:8, 726:2, 752:17, 753:8, 753:10, 753:13, 753:19, 754:19, 754:24, 755:17, 756:9, 756:14, 756:18, 760:12, 762:13
León [11] - 682:1, 682:12, 682:14, 682:20, 683:4, 683:11, 683:12, 684:5, 684:12, 710:17, 710:22
liens [1] - 732:3
lifted [1] - 711:14
likelihood [1] - 627:2
likeness [2] - 740:5, 741:24
line [1] - 636:12
lined [1] - 706:7
lining [2] - 636:11, 666:2
lion [1] - 738:4
listed [2] - 660:16, 671:7
live [4] - 713:18, 733:12, 733:16
living [4] - 628:9, 646:13, 733:15, 735:1
Lobo [3] - 722:15, 725:5, 725:12
local [1] - 628:14
located [2] - 681:4, 681:13
location [4] - 638:25, 639:1, 678:8, 679:2
locations [2] - 629:17, 680:23
logical [1] - 697:5
logistics [3] - 766:14, 766:21
logos [2] - 718:23, 719:4
long-standing [1] - 641:3
look [5] - 625:11, 655:12, 673:6, 705:22, 752:4
Look [1] - 670:17
looked [2] - 625:6, 761:4
looking [14] - 629:22, 630:23, 631:19, 631:20, 631:21, 631:24, 635:4, 635:25, 636:3, 636:19, 653:13, 653:17, 666:14, 752:10
looks [1] - 643:1
lower [8] - 630:1, 695:22, 729:10, 730:4, 730:8, 731:2, 737:9
lower-level [1] - 695:22
lowest [3] - 695:23, 697:24, 730:24
Lucchese [1] - 623:23
Luis [9] - 651:22, 652:3, 658:10, 671:21, 671:23, 674:20, 683:5, 704:25, 705:12
LUNA [1] - 623:8
Luna [46] - 641:22, 646:24, 647:9, 647:15, 651:9, 652:7, 670:5, 671:1, 676:3, 676:25, 679:9, 688:20, 690:9, 691:10, 693:1, 695:21, 700:18, 701:19, 703:16, 704:12, 707:10, 711:18, 715:20, 715:25, 716:3, 718:15, 721:16, 721:21, 722:2, 746:4, 746:9, 746:21, 747:6, 747:10, 747:16, 747:18, 748:2, 748:4, 748:7, 749:7,

754:25, 755:5, 755:15, 755:22, 756:3
Luna's [6] - 695:8, 695:13, 695:16, 698:19, 699:1, 710:25
lunch [9] - 671:9, 671:12, 672:11, 695:1, 698:15, 699:11, 702:8, 702:13, 703:15
luxury [1] - 663:6

M

ma'am [2] - 632:24, 633:24
mail [1] - 623:24
Main [1] - 679:17
main [2] - 654:21, 678:11
major [1] - 629:11
majority [1] - 752:15
Malo [1] - 717:6
man [6] - 732:7, 732:15, 732:20, 732:22, 732:25, 733:15
manage [1] - 727:13
manager [1] - 628:10
Manzanillo [15] - 629:13, 630:12, 631:1, 631:9, 631:11, 632:3, 632:8, 632:13, 632:23, 633:20, 634:1, 634:14, 635:9, 640:7, 644:1
map [5] - 630:11, 630:13, 682:3, 682:10
March [2] - 686:5, 686:6
MARIETOU [1] - 623:19
marijuana [1] - 727:21
Marine [1] - 761:13
Mario [35] - 658:10, 715:1, 715:9, 717:4, 721:1, 721:7, 721:12, 721:18, 721:22, 721:24, 722:2, 722:7, 722:8, 722:13, 726:5, 727:19, 727:23, 728:4, 728:15, 728:20, 729:6, 734:15, 735:10, 736:11, 745:14, 746:12, 747:12, 748:8, 749:14, 754:4, 754:9, 754:15, 756:24, 759:4, 760:23
Mario's [1] - 756:21
maritime [2] - 632:7, 641:3
marked [14] - 634:22, 637:23, 639:7, 647:23, 648:12, 650:16, 652:22, 666:3, 677:4, 678:7, 679:1, 679:23, 680:17, 724:13
marks [1] - 759:14
Martinez [4] - 658:10, 661:4, 674:3, 725:14
matter [1] - 708:24
Matter [1] - 768:20
maximum [1] - 747:11
Mayo [8] - 722:14, 723:2, 723:6, 725:24, 753:8, 753:9, 756:10, 756:17
Mayo's [2] - 754:24, 760:13
MCMANUS [2] - 623:21, 623:22
meal [1] - 661:15
meals [2] - 658:14, 658:18
mean [9] - 625:22, 674:14, 706:18, 706:21, 707:2, 722:1, 733:16, 750:21, 752:5
meaning [1] - 765:5
means [1] - 726:10

meant [5] - 655:20, 656:1, 656:2, 669:7, 673:17
mechanical [1] - 623:25
media [1] - 637:21
meet [6] - 664:2, 722:21, 723:3, 724:9, 725:3, 725:10
meeting [11] - 664:4, 686:25, 710:8, 710:11, 710:13, 710:20, 712:2, 712:9, 722:6, 723:4, 755:16
meetings [2] - 686:25, 724:11
meets [1] - 695:22
member [2] - 721:8, 732:21
members [30] - 634:7, 662:25, 668:8, 668:17, 669:9, 674:5, 710:21, 720:10, 726:15, 729:7, 729:8, 730:6, 733:2, 733:20, 733:25, 734:3, 734:5, 735:25, 736:23, 737:4, 741:11, 751:8, 757:9, 758:1, 758:3, 759:4, 760:3, 761:13, 761:15
memory [3] - 725:7, 725:13, 752:21
mentioned [21] - 625:25, 649:2, 658:12, 661:3, 674:15, 701:20, 704:19, 707:23, 715:18, 717:8, 723:9, 723:20, 724:2, 725:5, 727:9, 730:17, 734:20, 735:8, 745:21, 757:24, 763:2
mentioning [1] - 741:6
merchandise [3] - 655:7, 655:8, 655:13
message [1] - 691:23
met [14] - 685:16, 685:19, 685:22, 686:2, 686:5, 686:8, 686:17, 686:19, 686:22, 687:9, 689:16, 695:21, 722:13, 762:9
meth [1] - 727:21
methodology [2] - 732:8, 732:12
Metralleta [3] - 747:19, 747:23, 748:1
metric [2] - 633:15, 636:17
Mexican [13] - 629:11, 632:12, 632:19, 633:20, 637:14, 640:9, 640:10, 640:23, 642:11, 642:15, 643:23, 646:18, 649:18
Mexico [70] - 628:21, 629:3, 629:16, 629:24, 630:11, 630:14, 633:3, 634:6, 636:14, 639:1, 639:2, 640:5, 644:1, 646:23, 649:20, 649:23, 649:25, 650:10, 650:11, 651:17, 652:10, 652:14, 652:17, 652:18, 652:19, 653:15, 654:14, 654:19, 655:15, 663:21, 663:22, 664:1, 664:14, 678:21, 679:17, 681:14, 681:23, 682:10, 682:12, 684:7, 704:8, 710:14, 711:8, 713:17, 715:24, 716:20, 716:22, 716:24, 718:18, 725:1, 728:8, 729:12, 731:11, 734:2, 736:24, 737:1, 741:12, 750:1, 750:4, 751:3, 751:4, 753:15, 753:22, 754:12, 754:16, 757:1, 761:11, 761:13, 763:7, 765:7
MICHAEL [1] - 623:21
Michele [1] - 623:23
Michoacán [1] - 725:7
microphone [1] - 628:15

middle [1] - 680:14
MIEDER [9] - 623:22, 672:19, 673:1, 716:4, 724:19, 741:21, 755:1, 765:21, 766:25
might [4] - 624:24, 665:16, 699:16, 721:7
military [1] - 637:14
million [7] - 734:14, 734:17, 735:4, 747:13, 747:15
millions [1] - 728:17
mind [5] - 626:12, 662:12, 667:11, 698:14, 711:21
mine [1] - 760:6
minute [2] - 666:2, 685:1
minutes [3] - 665:19, 699:15, 765:22
miss [2] - 633:11, 663:2
missed [1] - 729:18
MLuccheseEDNY@gmail.com [1] - 623:24
moment [3] - 634:24, 736:4, 765:18
money [21] - 625:22, 655:9, 665:1, 665:2, 665:13, 669:8, 672:3, 684:4, 715:13, 728:14, 728:18, 735:20, 736:21, 745:20, 746:6, 746:8, 746:16, 747:10, 748:22, 748:25
Monterrey [5] - 664:13, 682:1, 682:4, 682:20, 683:11
month [5] - 632:1, 633:22, 634:1, 642:20, 728:15
months [1] - 763:22
monument [1] - 680:2
monuments [1] - 679:21
Morelos [25] - 714:23, 716:24, 718:12, 720:9, 723:4, 724:12, 725:11, 728:3, 728:16, 734:4, 734:5, 734:8, 749:16, 750:2, 750:7, 750:9, 750:16, 751:7, 751:11, 751:12, 751:14, 755:7, 756:5, 761:9
Morena [2] - 663:19, 663:25
Moreno [4] - 651:18, 651:19, 663:14, 663:18
morning [14] - 624:21, 626:17, 626:19, 627:10, 628:6, 640:1, 640:2, 646:6, 646:7, 685:7, 685:8, 766:5, 767:6, 767:16
mortgages [1] - 732:2
most [7] - 664:10, 675:15, 684:5, 696:9, 696:23, 730:9, 763:6
motion [5] - 740:10, 741:8, 741:9, 764:23, 768:7
motive [2] - 687:4, 687:8
Move [1] - 661:10
move [19] - 648:4, 648:18, 651:3, 666:6, 677:14, 678:14, 679:10, 680:5, 681:7, 695:5, 698:14, 732:5, 734:21, 735:9, 735:12, 737:19, 739:6, 739:11, 749:10
move-in [3] - 734:21, 735:9, 735:12
moved [7] - 630:19, 635:18, 638:8, 663:21, 741:7, 749:15, 749:19
moving [4] - 630:17, 653:17, 653:20,

728:1
MP [2] - 717:6, 721:24
MR [74] - 624:18, 625:4, 625:24, 626:5, 626:10, 648:6, 648:20, 651:4, 653:9, 654:15, 655:5, 658:24, 660:20, 661:10, 661:17, 661:22, 662:2, 662:4, 662:11, 662:19, 662:23, 663:7, 668:13, 668:23, 669:15, 669:19, 669:21, 670:2, 670:7, 670:9, 670:11, 670:13, 670:18, 671:7, 671:14, 672:19, 673:1, 674:18, 676:20, 677:15, 678:15, 679:11, 680:7, 681:9, 685:6, 692:6, 692:8, 693:20, 693:22, 698:12, 698:14, 698:17, 699:10, 699:13, 699:16, 699:18, 702:5, 703:10, 703:12, 709:13, 711:21, 711:25, 712:12, 712:18, 716:4, 724:19, 741:21, 755:1, 765:21, 766:25, 767:8, 768:18, 769:9, 769:11
MS [138] - 624:19, 625:10, 625:13, 625:16, 626:14, 627:4, 627:21, 628:5, 630:5, 630:18, 630:20, 630:24, 631:13, 631:15, 634:25, 635:3, 635:18, 635:20, 638:8, 638:10, 638:15, 639:12, 639:14, 639:20, 639:23, 639:25, 643:5, 643:8, 643:13, 643:18, 643:20, 643:23, 644:23, 645:10, 646:5, 647:4, 647:10, 647:22, 648:4, 648:11, 648:18, 649:21, 650:15, 651:3, 651:10, 651:23, 652:8, 652:21, 657:2, 659:1, 660:2, 660:4, 660:13, 660:16, 661:2, 661:13, 663:17, 665:16, 666:9, 666:12, 667:3, 667:10, 667:13, 668:2, 668:4, 669:22, 671:17, 671:19, 672:18, 673:10, 674:2, 677:3, 677:14, 677:19, 678:6, 678:14, 678:25, 679:10, 679:22, 680:5, 680:16, 680:21, 681:7, 681:21, 683:8, 684:2, 685:1, 685:3, 690:15, 692:3, 692:7, 693:19, 695:3, 708:12, 709:10, 709:15, 709:17, 711:20, 712:13, 712:16, 712:23, 713:15, 716:7, 717:18, 722:24, 724:15, 724:18, 724:22, 727:2, 729:21, 738:10, 738:14, 739:11, 739:14, 739:21, 740:4, 741:2, 742:7, 743:5, 744:14, 744:20, 745:10, 745:12, 746:25, 747:2, 765:18, 766:11, 766:17, 766:20, 767:2, 768:1, 768:11, 768:15, 769:5, 769:6, 769:8, 769:10, 769:13
much.. [1] - 629:25
municipal [3] - 715:16, 746:1, 748:12
must [2] - 691:2, 761:4

N

name [27] - 627:14, 627:15, 627:16, 637:3, 645:3, 645:5, 663:8, 663:17, 674:12, 713:6, 713:8, 719:12, 719:18, 723:21, 724:3, 724:10, 730:14,

731:17, 732:16, 732:17, 732:18,
733:12, 741:6, 744:21, 747:17,
747:19, 747:21
named [11] - 638:17, 660:21, 674:24,
707:13, 715:20, 723:9, 723:20, 724:2,
724:24, 725:5, 725:14
nameless [1] - 660:23
names [3] - 658:8, 714:25, 747:20
narrow [1] - 664:24
national [2] - 690:21, 690:25
nationality [1] - 646:17
Navy [11] - 634:8, 634:14, 635:6,
637:14, 639:5, 639:19, 642:2, 642:3,
642:4, 761:13
navy [2] - 676:10, 676:16
near [3] - 698:15, 735:22, 762:10
nearby [3] - 679:19, 681:19, 737:21
necessarily [3] - 695:20, 706:4, 706:16
necessary [1] - 663:9
need [8] - 625:1, 625:11, 626:7, 697:3,
706:16, 739:1, 740:7, 766:10
needed [5] - 688:7, 688:9, 706:8, 715:6,
728:24
needs [4] - 626:9, 698:10, 720:5, 738:25
neighborhood [3] - 681:15, 737:1,
761:9
Neuvo [2] - 710:17, 710:22
Never [1] - 725:4
never [11] - 685:19, 689:16, 690:3,
691:14, 695:21, 698:6, 698:14, 699:7,
711:13, 749:5, 760:4
NEW [1] - 623:1
new [5] - 683:4, 687:14, 688:7, 688:17,
689:6
New [5] - 623:6, 623:16, 623:17, 728:10,
765:1
newly [1] - 682:15
news [4] - 688:24, 689:3, 689:18,
691:21
next [23] - 627:3, 627:22, 639:4, 643:12,
645:11, 652:25, 656:20, 659:3,
660:25, 666:24, 667:15, 669:25,
673:22, 680:19, 712:22, 726:25,
739:12, 739:23, 740:14, 742:10,
743:10, 744:18, 744:25
Nextel [1] - 726:12
nice [1] - 739:3
nickname [2] - 717:5, 717:10
Nieto [3] - 658:11, 661:4, 674:4
night [2] - 766:4, 768:16
nine [2] - 646:20, 649:3
Nobody [1] - 675:10
noise [1] - 743:9
none [2] - 684:9, 710:21
Nonverbal [1] - 720:7
normal [2] - 657:10, 712:10
normally [2] - 706:7, 726:22
notary [4] - 729:15, 729:23, 729:24,
731:21
note [5] - 624:7, 624:13, 624:16, 626:20,

666:3
nothing [3] - 663:3, 669:2, 685:3
Nothing [2] - 711:20, 712:12
November [6] - 633:16, 634:4, 635:9,
635:16, 642:22, 686:13
Nuevo [9] - 682:1, 682:12, 682:14,
682:20, 683:4, 683:11, 683:12, 684:5,
684:12
number [3] - 625:14, 668:12, 669:11
Number [1] - 666:4
numbers [2] - 632:6, 632:7

O

object [1] - 663:7
objected [2] - 670:2
objection [25] - 630:20, 631:15, 635:20,
638:10, 639:14, 648:6, 648:20, 651:4,
653:9, 654:15, 655:5, 660:9, 663:10,
677:15, 678:15, 679:11, 680:7, 681:9,
690:15, 692:3, 693:19, 695:3, 724:19,
741:21, 755:1
Objection [19] - 658:24, 661:10, 661:17,
661:22, 662:2, 662:11, 662:19,
662:23, 668:13, 668:23, 669:15,
669:19, 674:18, 676:20, 708:12,
709:10, 712:18, 716:4
objections [1] - 739:5
objects [1] - 636:4
obligation [1] - 739:6
obscure [1] - 742:2
observe [9] - 633:10, 655:14, 656:7,
657:9, 663:4, 663:25, 664:10, 675:8,
675:12
observed [3] - 635:16, 656:9, 657:6
Obviously [1] - 706:20
obviously [1] - 626:25
occasion [4] - 694:7, 736:13, 737:12,
751:1
occasions [4] - 686:19, 699:4, 750:10,
758:12
occupied [1] - 698:23
occurred [6] - 660:1, 667:1, 670:1,
740:1, 744:1, 756:4
October [5] - 628:18, 632:1, 632:16,
640:4, 643:23
OF [3] - 623:1, 623:3, 623:11
offered [1] - 720:24
office [25] - 628:21, 628:24, 629:3,
629:12, 629:23, 632:4, 634:8, 638:25,
639:2, 662:15, 663:19, 663:22,
663:24, 664:22, 664:23, 665:9,
678:20, 698:19, 698:22, 699:1, 699:8,
731:1, 731:19, 731:24, 735:1
Office [2] - 720:13, 720:17
Officer [6] - 658:10, 658:11, 674:3,
674:4
officer [19] - 646:20, 646:22, 649:8,
649:10, 672:14, 675:6, 676:7, 684:15,
685:14, 688:10, 689:23, 695:7,

695:22, 695:24, 697:25, 698:3, 708:2,
708:4, 761:5
officers [40] - 643:24, 644:1, 651:12,
657:21, 657:25, 658:2, 658:3, 658:8,
658:21, 660:5, 660:13, 660:16,
660:22, 661:3, 661:5, 662:16, 663:5,
664:23, 665:15, 668:22, 670:20,
674:13, 674:14, 683:1, 688:5, 688:13,
689:6, 692:2, 692:13, 692:18, 693:2,
693:6, 693:8, 693:17, 693:25, 694:2,
711:13, 712:9, 720:12, 760:19
offices [2] - 679:9, 681:4
official [6] - 647:18, 689:5, 719:3,
731:18, 737:24, 737:25
official-type [1] - 719:3
officials [14] - 669:14, 674:9, 674:12,
715:15, 715:18, 728:23, 732:12,
745:22, 746:2, 746:13, 748:9, 748:10,
749:13, 753:23
offloaded [1] - 629:21
offloading [1] - 631:21
offshoot [1] - 718:18
often [7] - 656:5, 664:8, 675:4, 726:6,
728:1, 731:1, 732:12
old [1] - 646:8
older [1] - 708:6
ON [1] - 623:11
once [9] - 632:10, 634:2, 656:6, 666:21,
675:5, 728:8, 733:8, 748:21, 765:4
one [61] - 624:13, 626:20, 629:9,
634:24, 635:13, 635:14, 635:24,
636:23, 637:7, 639:20, 652:25,
657:15, 660:18, 664:12, 664:13,
664:14, 664:22, 666:4, 671:23,
672:14, 672:19, 690:11, 691:1,
695:13, 698:7, 699:1, 702:12, 704:17,
704:21, 712:13, 720:21, 721:8,
724:11, 725:16, 726:12, 730:24,
733:18, 734:6, 734:16, 734:17, 735:4,
736:8, 738:12, 741:14, 748:12, 749:4,
749:14, 750:13, 750:16, 751:4,
754:24, 760:17, 760:25, 765:18,
767:11, 768:5, 768:6, 768:11
One [3] - 664:9, 711:21, 763:22
one-and-a-half [1] - 735:4
one-and-a-half-million [1] - 734:17
one-hour [1] - 702:12
One-hundred-eighty [1] - 763:22
ones [3] - 730:24, 734:17, 750:7
online [1] - 637:21
oooOooo [1] - 768:22
op [2] - 633:21, 634:13
open [7] - 624:1, 661:1, 668:1, 674:1,
703:2, 743:1, 745:1
opened [2] - 634:19, 664:25
opening [1] - 626:1
operation [6] - 732:17, 751:25, 753:6,
753:14, 753:16, 753:22
opinion [2] - 700:3, 700:20
opportunity [1] - 751:24

ops [1] - 637:15
order [21] - 655:18, 655:19, 655:20, 655:21, 656:1, 656:14, 656:18, 656:19, 657:10, 657:13, 662:8, 662:14, 667:3, 711:14, 741:1, 767:14, 767:19, 767:20, 768:2, 768:3, 768:12
ordered [5] - 706:3, 755:15, 755:18, 758:3, 767:3
orders [14] - 656:8, 656:9, 657:7, 657:14, 658:20, 675:10, 684:23, 685:13, 705:24, 706:11, 707:3, 707:10, 711:12, 756:14
ordinarily [1] - 766:18
organization [7] - 640:24, 697:15, 701:2, 701:5, 701:11, 701:13, 721:5
organizations [3] - 697:1, 697:4, 697:12
organized [2] - 697:13, 697:14
origin [1] - 640:17
original [1] - 731:22
Oscar [5] - 651:18, 651:19, 663:14, 663:18, 663:19
otherwise [2] - 759:25, 768:11
outside [7] - 629:20, 639:1, 663:23, 697:6, 701:11, 701:12, 705:18
overheard [3] - 668:9, 671:12, 694:7
overrule [1] - 663:10
Overruled [7] - 655:6, 668:14, 668:24, 669:16, 676:21, 708:13, 709:11
overruled [1] - 662:12
oversee [1] - 633:10
own [1] - 658:16
owner [1] - 731:14

P

pace [1] - 702:6
pad [1] - 737:25
page [16] - 627:22, 645:11, 656:20, 659:3, 660:25, 666:24, 667:15, 669:25, 673:22, 683:16, 726:25, 739:23, 740:14, 742:10, 743:10, 744:25
PAGE [1] - 769:3
paid [9] - 625:19, 730:8, 730:21, 731:2, 731:6, 731:25, 736:19, 746:6, 748:17
Palomino [13] - 651:22, 652:3, 652:4, 683:5, 688:16, 699:20, 700:15, 700:19, 701:21, 704:25, 705:12, 706:19, 710:25
paperwork [3] - 732:1, 732:5, 733:8
parades [3] - 647:18, 647:19, 689:18
paragraph [1] - 643:18
park [1] - 653:21
parking [2] - 734:25, 737:15
parole [2] - 647:20, 765:6
part [21] - 630:1, 643:17, 655:11, 658:6, 670:5, 671:20, 671:22, 672:4, 675:2, 679:16, 681:14, 688:3, 690:23, 697:14, 699:22, 718:24, 725:8, 745:16, 757:15, 759:2

partially [1] - 698:23
participate [1] - 758:8
participated [1] - 756:23
particular [5] - 672:14, 696:17, 697:15, 741:10, 750:14
particularly [1] - 696:15
parties [1] - 626:12
partners [1] - 628:14
parts [3] - 629:3, 759:14, 759:19
party [2] - 761:8, 761:11
Paso [2] - 628:11, 628:12
pass [3] - 632:12, 640:8, 640:10
passed [2] - 639:2, 642:14
passengers [2] - 652:13, 654:18
past [2] - 633:8, 731:7
path [2] - 689:22, 689:25
patrol [2] - 689:8, 720:11
Pause [1] - 685:2
pay [9] - 661:12, 672:5, 706:8, 731:24, 733:21, 746:4, 746:15, 748:11, 748:13
paying [5] - 728:23, 728:24, 730:12, 746:2
payment [2] - 671:23, 735:18
payments [20] - 672:4, 709:23, 710:1, 715:15, 715:18, 735:16, 745:19, 745:21, 745:25, 746:9, 746:13, 746:17, 746:21, 747:6, 748:4, 748:9, 748:10, 748:19, 749:2, 749:7
payroll [2] - 715:16, 728:23
pays [1] - 730:23
peace [1] - 724:12
PEACE [1] - 623:15
peacetime [1] - 723:5
Pedregal [4] - 681:1, 681:2, 681:16, 681:17
people [54] - 634:8, 658:12, 660:12, 664:2, 670:24, 671:9, 672:3, 672:11, 687:22, 693:16, 694:22, 695:23, 700:7, 701:10, 718:2, 718:9, 718:13, 718:21, 719:6, 719:9, 719:15, 720:16, 720:20, 721:4, 721:17, 722:11, 722:15, 728:24, 735:13, 735:14, 735:16, 737:8, 749:19, 753:7, 753:8, 753:9, 754:10, 754:24, 755:16, 755:22, 756:3, 757:6, 757:7, 757:8, 757:9, 757:22, 757:25, 758:4, 759:2, 760:13
people's [1] - 726:19
Pequeno [14] - 650:14, 650:20, 651:1, 651:7, 651:20, 651:21, 704:16, 704:19, 704:21, 705:11, 705:13, 705:14, 706:22, 707:2
Pequeño [1] - 663:15
per [2] - 656:6, 658:5
perceive [2] - 667:8, 668:18
perceived [1] - 670:22
perception [3] - 671:10, 672:20, 672:22
perform [1] - 684:16
performed [3] - 644:14, 644:18, 652:12
period [3] - 719:5, 727:15, 727:18

Perisur [1] - 681:20
permanently [1] - 733:17
permission [4] - 647:10, 752:7, 766:13, 766:22
person [35] - 646:14, 647:6, 650:17, 650:21, 651:25, 663:8, 664:12, 664:21, 672:16, 677:5, 677:9, 684:18, 695:24, 700:3, 717:5, 717:15, 719:24, 720:1, 721:11, 721:18, 722:19, 724:16, 726:8, 731:16, 732:16, 747:24, 748:19, 749:19, 755:6, 755:10, 760:24
person's [2] - 723:21, 724:3
personally [3] - 647:14, 689:1, 689:17
pertained [1] - 768:7
pertains [1] - 740:4
pervasiveness [1] - 739:1
pesos [2] - 654:6, 733:23
pets [1] - 738:3
PHILIP [1] - 623:18
photo [24] - 633:21, 634:13, 637:15, 647:6, 647:12, 648:9, 648:14, 648:17, 648:19, 648:23, 648:25, 650:17, 650:20, 650:25, 651:25, 652:25, 677:5, 677:11, 678:8, 679:2, 679:6, 679:24, 680:19, 683:10
photograph [4] - 647:9, 647:25, 742:5, 760:6
photos [3] - 636:11, 636:13, 680:23
physical [3] - 646:12, 646:21, 759:10
pick [2] - 665:8, 760:24
picture [8] - 638:2, 638:5, 638:13, 638:14, 639:18, 643:1, 677:8, 741:18
pictures [5] - 631:10, 635:6, 635:15, 637:22, 722:17
piece [1] - 626:6
PILMAR [1] - 623:18
pin [1] - 673:20
Pineda [59] - 714:19, 714:21, 714:22, 715:1, 715:9, 717:4, 717:8, 717:16, 720:22, 721:1, 721:2, 721:4, 721:7, 721:12, 721:19, 721:22, 721:24, 722:2, 722:7, 722:8, 722:9, 722:10, 725:21, 726:5, 727:4, 727:8, 727:19, 727:23, 728:4, 728:15, 728:20, 729:6, 733:1, 734:15, 735:10, 736:11, 745:14, 746:12, 747:12, 748:5, 748:6, 748:8, 749:15, 750:6, 753:11, 753:19, 754:4, 754:9, 754:15, 754:19, 755:6, 755:20, 756:10, 756:20, 759:4, 760:9, 760:23, 760:25, 761:1
Pineda's [1] - 756:24
place [5] - 633:2, 647:11, 717:25, 720:3, 720:9
placement [1] - 749:12
places [2] - 728:11, 737:18
plan [1] - 697:16
plane [7] - 750:17, 751:6, 751:15, 751:17, 751:20, 751:22, 751:23
planes [5] - 653:21, 653:23, 654:23,

715:5, 728:5
plans [1] - 750:24
platform [2] - 751:14, 751:16
platforms [1] - 654:23
Plaza [1] - 623:16
plead [1] - 713:25
pleaded [1] - 763:16
point [14] - 657:4, 660:2, 660:4, 680:12, 682:10, 691:18, 704:17, 704:22, 704:25, 739:8, 740:11, 741:14, 752:20
points [1] - 679:19
police [108] - 632:12, 634:7, 634:15, 637:13, 640:25, 641:1, 641:2, 641:9, 641:14, 641:18, 641:21, 646:20, 646:22, 647:3, 647:25, 648:2, 649:2, 649:5, 649:6, 649:8, 649:9, 649:12, 649:17, 650:6, 651:13, 652:5, 654:13, 655:1, 656:1, 656:4, 665:14, 675:6, 675:17, 675:22, 675:23, 675:25, 676:7, 676:14, 676:22, 676:24, 677:1, 677:21, 678:2, 681:3, 684:15, 684:20, 685:14, 687:5, 688:3, 688:5, 688:7, 688:9, 688:21, 688:23, 689:10, 689:20, 689:23, 690:2, 690:4, 691:15, 692:18, 693:3, 693:17, 693:25, 695:7, 695:22, 695:24, 695:25, 696:5, 697:6, 697:7, 697:24, 698:3, 698:23, 700:22, 700:24, 703:16, 703:17, 703:21, 703:25, 704:6, 705:16, 705:18, 705:19, 708:2, 708:4, 708:8, 708:11, 708:16, 708:19, 708:21, 709:6, 709:9, 718:19, 720:11, 720:19, 748:12, 748:14, 750:8, 750:12, 751:13, 752:3, 752:9, 760:19, 761:4, 761:5
Police [2] - 675:18, 675:19
police's [1] - 695:17
policing [1] - 700:16
political [1] - 691:14
politician [1] - 691:12
pool [1] - 736:9
Port [15] - 629:13, 630:12, 631:1, 631:9, 631:11, 632:2, 632:8, 632:13, 632:23, 633:19, 633:25, 634:14, 635:9, 640:6, 643:25
port [20] - 629:15, 629:16, 629:18, 629:20, 631:4, 632:5, 632:21, 632:22, 633:2, 634:2, 634:4, 634:16, 635:6, 637:1, 637:19, 640:25, 641:3, 641:10, 642:2, 642:19
portable [1] - 726:18
portion [1] - 742:6
posada [3] - 761:8, 761:10, 762:4
position [6] - 625:2, 628:18, 676:5, 687:14, 690:20, 701:19
positions [2] - 676:8, 700:19
possession [3] - 642:17, 642:18, 642:21
possible [2] - 630:7, 638:25
possibly [1] - 642:13
potential [1] - 741:23

power [3] - 730:13, 731:7, 731:14
predecessor [1] - 641:5
preferred [1] - 698:2
preparation [1] - 686:17
prepared [1] - 644:10
presence [2] - 633:25, 654:13
present [21] - 624:1, 624:2, 637:21, 642:6, 642:7, 661:1, 668:1, 674:1, 703:2, 735:16, 743:1, 743:5, 745:1, 748:19, 756:19, 756:21, 757:9, 757:12, 757:25, 758:6, 761:6
presentation [3] - 647:20, 647:21, 666:6
presented [4] - 689:8, 692:17, 731:22, 754:8
president's [1] - 703:22
pressure [4] - 633:3, 633:7, 633:9, 754:20
pretty [5] - 629:25, 661:9, 661:14, 687:19, 699:24
prevalent [1] - 684:5
Preventive [2] - 675:18, 675:19
previous [1] - 689:19
previously [3] - 641:4, 741:11, 742:3
price [5] - 730:3, 730:17, 730:22, 730:23, 731:1
prices [1] - 734:10
primaries [1] - 634:14
principles [1] - 649:16
priorities [7] - 695:8, 695:13, 695:14, 695:16, 695:17, 696:4, 696:22
prioritize [2] - 697:4, 697:14
prioritizes [1] - 709:19
priority [3] - 709:24, 710:2, 710:5
prison [3] - 649:7, 713:19, 713:20
prisoner [1] - 765:7
private [5] - 625:19, 726:22, 729:15, 738:1
privately [1] - 726:24
problem [10] - 626:13, 669:2, 669:5, 671:3, 672:7, 694:12, 694:24, 700:9, 747:22, 766:24
problems [2] - 674:11, 693:10
Proceedings [1] - 623:25
proceeds [6] - 672:2, 673:12, 745:17, 745:18, 746:19, 747:5
process [2] - 729:13, 729:14
produced [1] - 623:25
professional [2] - 646:19, 649:7
promoting [1] - 716:18
promotion [2] - 697:22, 710:25
promotions [1] - 711:6
properly [1] - 633:5
properties [10] - 716:17, 716:18, 728:23, 730:6, 732:2, 737:11, 737:13, 737:18, 737:22
property [13] - 729:16, 729:19, 729:24, 730:1, 730:19, 731:14, 731:16, 731:19, 731:24, 733:8, 733:9, 733:11, 737:21

proposal [1] - 624:12
propose [1] - 666:15
proposed [1] - 626:14
Prosecutor's [3] - 720:12, 720:16, 720:17
prosecutors [1] - 634:8
protect [1] - 688:6
protection [3] - 722:4, 749:8, 763:6
provide [3] - 646:14, 652:12, 654:17
provided [6] - 632:5, 649:11, 649:24, 722:4, 726:10, 767:5
provides [1] - 650:6
pseudonym [3] - 741:3, 741:4, 741:6
public [36] - 646:11, 676:2, 676:4, 676:11, 676:18, 676:22, 678:20, 688:1, 688:4, 688:6, 688:8, 688:14, 690:6, 690:13, 691:19, 691:23, 692:11, 696:11, 696:20, 700:3, 715:15, 715:18, 728:23, 729:15, 729:23, 729:24, 730:1, 730:25, 731:19, 731:21, 732:12, 745:22, 748:15, 748:16
Public [4] - 703:19, 704:12, 705:19, 715:24
publicly [1] - 741:4
publish [8] - 648:5, 648:19, 651:3, 677:14, 678:14, 679:10, 680:5, 681:7
published [6] - 677:18, 678:19, 679:15, 680:11, 681:12, 717:14
pull [3] - 628:15, 629:7, 636:20
pulled [2] - 635:12, 636:25
purchase [5] - 729:15, 730:3, 732:9, 732:23
purchasing [1] - 738:7
purpose [5] - 654:13, 661:20, 661:24, 673:11
purposes [3] - 667:11, 673:18, 713:23
pushed [1] - 708:18
put [6] - 625:7, 643:20, 665:8, 692:4, 698:19, 754:20
putting [3] - 636:7, 696:17, 701:13
puzzle [1] - 636:8
Pública [1] - 641:16

Q

qualified [1] - 644:11
Querétaro [3] - 716:24, 725:16, 725:20
questions [18] - 624:15, 625:12, 626:23, 626:25, 639:21, 640:3, 643:5, 667:9, 667:10, 691:7, 694:9, 699:19, 700:13, 709:13, 710:7, 712:3, 759:7, 765:19
quick [1] - 666:9
quickly [2] - 665:8, 739:7
quite [1] - 739:12

R

radio [12] - 655:18, 662:14, 705:25, 706:11, 706:19, 706:22, 707:3,

707:10, 711:12, 727:7, 752:11, 754:6
radios [8] - 726:10, 726:11, 726:15,
 726:17, 726:18, 726:20, 727:5, 727:6
raise [3] - 627:11, 644:25, 713:1
Ramon [13] - 650:14, 650:20, 650:25,
 651:7, 651:20, 651:21, 704:16,
 704:19, 704:21, 705:11, 705:13,
 706:21, 707:2
Ramón [1] - 663:15
ran [5] - 661:14, 665:9, 691:14, 753:14,
 753:22
rank [4] - 700:5, 700:6, 700:7, 701:20
ranking [1] - 692:19
ranks [4] - 689:23, 690:1, 701:24, 737:9
rather [3] - 692:17, 697:24, 697:25
Raul [2] - 644:23, 645:4
RAUL [2] - 646:1, 769:7
re [1] - 741:5
re-stamped [1] - 741:5
reach [1] - 739:1
reached [1] - 701:13
react [2] - 656:18, 665:6
reaction [1] - 665:10
read [3] - 643:14, 643:18, 643:19
ready [8] - 652:25, 654:9, 664:20,
 680:19, 699:12, 734:21, 735:9, 735:12
Real [1] - 716:14
real [8] - 685:14, 716:15, 716:19,
 716:23, 717:19, 731:17, 741:6, 747:17
realize [1] - 655:17
realized [1] - 655:16
really [11] - 641:19, 685:10, 687:25,
 698:7, 701:10, 701:12, 717:21,
 767:16, 767:19, 767:24
reason [10] - 662:9, 665:13, 687:2,
 687:4, 687:9, 687:10, 687:13, 688:13,
 695:19, 708:20
reasonable [1] - 673:7
reasonably [1] - 739:7
reasons [2] - 698:8, 741:10
receive [5] - 655:11, 666:3, 763:21,
 764:4, 764:23
received [24] - 626:20, 630:22, 631:16,
 631:17, 632:4, 635:23, 638:12,
 638:25, 639:16, 640:8, 648:8, 648:22,
 651:6, 653:10, 653:12, 674:10,
 674:23, 677:17, 678:17, 679:13,
 680:9, 681:11, 715:12, 724:21
Received [13] - 630:21, 635:21, 638:11,
 639:15, 648:7, 648:21, 651:5, 677:16,
 678:16, 679:12, 680:8, 681:10, 724:20
receiving [1] - 725:1
Recess [1] - 665:23
recess [4] - 665:24, 702:12, 702:13,
 744:23
recognizable [1] - 744:8
recognize [19] - 630:8, 631:8, 635:5,
 637:25, 638:1, 647:6, 648:14, 650:17,
 651:25, 677:5, 677:9, 678:8, 679:2,
 679:6, 679:24, 680:23, 717:15,

722:19, 724:16
recognized [1] - 720:16
record [6] - 627:14, 645:3, 645:6, 713:6,
 760:2, 767:3
recorded [1] - 623:25
recovered [1] - 633:14
recreated [1] - 672:22
RECROSS [2] - 711:24, 769:11
RECROSS-EXAMINATION [2] - 711:24,
 769:11
recruit [4] - 658:21, 667:8, 668:19,
 670:22
recruited [4] - 671:10, 672:21, 692:2,
 693:2
redacted [1] - 767:4
REDIRECT [2] - 709:16, 769:10
redirect [3] - 643:7, 700:13, 709:14
reduction [4] - 764:11, 764:19, 764:20,
 764:24
refer [6] - 657:21, 669:6, 674:12,
 747:16, 747:24, 748:2
reference [1] - 669:8
referred [2] - 747:18, 748:7
referring [2] - 674:15, 727:3
reflect [2] - 730:2, 730:23
reflected [1] - 749:2
Reforma [3] - 678:24, 679:5, 679:18
regard [1] - 765:25
regarding [2] - 724:12, 766:21
regards [1] - 624:20
regional [9] - 650:4, 650:5, 650:9,
 650:13, 651:16, 651:21, 652:4,
 677:24, 682:16
register [4] - 729:24, 730:7, 731:5,
 731:18
registered [8] - 715:12, 718:5, 719:17,
 719:23, 729:22, 730:2, 730:14, 730:25
registering [1] - 731:17
registration [1] - 729:13
registry [5] - 729:25, 730:1, 731:1,
 731:24, 731:25
registry's [1] - 731:19
regular [2] - 689:22, 727:12
Reid [2] - 738:9, 745:9
REID [38] - 623:18, 627:4, 627:21,
 628:5, 630:5, 630:18, 630:24, 631:13,
 634:25, 635:3, 635:18, 638:8, 638:15,
 639:12, 639:20, 643:8, 643:13,
 643:18, 643:20, 643:23, 712:23,
 713:15, 716:7, 717:18, 722:24,
 724:22, 727:2, 729:21, 738:10,
 738:14, 739:11, 745:10, 745:12,
 746:25, 747:2, 765:18, 769:5, 769:13
reinvesting [1] - 728:22
related [8] - 633:17, 682:15, 723:18,
 725:8, 739:4, 741:10, 749:8, 765:2
relation [1] - 754:2
relationship [5] - 723:6, 725:16, 726:1,
 749:16, 755:10
relaying [1] - 672:7

release [1] - 741:12
released [1] - 764:2
releasing [1] - 740:5
relevant [1] - 750:14
relocating [1] - 712:9
remember [27] - 638:2, 641:17, 643:16,
 668:6, 674:6, 693:4, 698:19, 702:9,
 706:11, 707:13, 710:9, 710:11,
 710:18, 711:1, 711:4, 711:5, 712:3,
 712:8, 735:11, 738:17, 747:2, 753:2,
 756:8, 758:23, 760:21, 762:5, 765:24
remind [1] - 719:13
remodel [1] - 734:22
remodeled [1] - 735:11
remove [1] - 634:20
renovate [3] - 734:18, 734:22, 735:10
renovated [1] - 735:8
renovation [1] - 735:14
renovations [1] - 735:17
rent [7] - 715:16, 729:8, 732:23, 735:25,
 736:10, 736:12, 736:23
rented [8] - 718:2, 718:6, 719:5, 719:17,
 719:18, 719:25, 736:7, 737:11
Renting [1] - 716:17
renting [7] - 717:21, 718:1, 718:8,
 719:8, 729:2, 736:6, 757:7
repeat [4] - 689:24, 698:11, 701:3
rephrase [2] - 685:24, 693:21
replaced [1] - 651:22
report [7] - 651:7, 651:19, 652:5, 662:7,
 725:23, 726:6, 754:15
reported [8] - 634:3, 705:6, 705:8,
 705:11, 705:14, 750:17, 751:3, 751:24
reporter [1] - 663:17
Reporter [1] - 623:23
reporting [6] - 637:22, 667:7, 668:10,
 672:23, 673:13, 752:11
reports [3] - 644:10, 705:18, 750:23
request [6] - 698:11, 741:14, 765:2,
 765:7, 765:13, 765:16
requested [1] - 765:3
requesting [2] - 740:8, 766:13
require [1] - 730:2
required [3] - 716:25, 764:12, 764:17
research [5] - 628:20, 628:23, 628:25,
 632:6, 644:12
Research [2] - 644:8, 644:12
resident [1] - 628:21
resign [3] - 684:20, 684:22, 684:25
resigned [1] - 687:12
respect [5] - 632:2, 655:14, 663:4,
 673:10, 675:8
response [3] - 641:9, 694:9, 741:20
rest [2] - 653:25, 766:4
result [1] - 672:23
resulted [1] - 641:24
resume [2] - 657:10, 739:10
retained [2] - 692:2, 693:2
returned [2] - 634:3, 657:17

revealed [1] - 627:2
 revealing [1] - 731:6
 reverse [1] - 705:3
 review [2] - 624:10, 652:24
 revisions [2] - 655:22, 656:17
 Rey [15] - 671:22, 722:13, 722:20,
 723:6, 725:23, 746:16, 747:12, 750:5,
 753:15, 753:21, 753:24, 754:2,
 754:16, 754:17, 754:21
 rib [1] - 759:20
 rights [2] - 731:15, 765:5
 rings [1] - 675:14
 riot [1] - 704:6
 rise [10] - 624:3, 665:21, 665:25, 690:1,
 701:24, 702:10, 703:6, 738:18, 745:6,
 766:6
 risk [1] - 666:13
 risky [1] - 687:16
 road [1] - 756:25
 role [3] - 652:10, 715:23, 756:22
 roles [1] - 715:2
 roll [3] - 654:9, 663:23, 664:20
 room [6] - 671:9, 671:12, 672:11,
 720:24, 735:1
 Rosas [16] - 651:8, 652:6, 670:4, 677:2,
 677:8, 677:12, 704:3, 705:14
 Rosenberg [1] - 744:22
 rotation [2] - 712:10, 712:11
 roundabout [2] - 679:20, 680:15
 RPR [1] - 623:23
 Rule [3] - 764:8, 764:9, 764:13
 rule [1] - 764:16
 ruling [1] - 768:8
 rumor [1] - 670:23
 run [4] - 626:15, 690:1, 691:15, 694:7
 running [2] - 695:24, 703:25
 rush [1] - 698:16

S

safe [1] - 698:6
 safeguarded [1] - 642:25
 safekeeping [1] - 642:16
 safety [2] - 740:5, 741:10
 safety-related [1] - 741:10
 salary [2] - 654:5, 663:12
 sale [7] - 716:18, 729:15, 730:3, 730:7,
 730:23, 731:5, 732:9
 sales [1] - 732:9
 samples [4] - 644:5, 644:6, 644:14,
 644:19
 Santa [4] - 737:2, 737:6, 748:14, 762:10
 Santo [1] - 726:13
 SARITHA [1] - 623:17
 savage [1] - 696:15
 saw [13] - 628:8, 637:21, 637:22, 638:5,
 643:1, 647:18, 658:15, 689:3, 720:20,
 725:11, 725:12, 725:15, 725:18
 scary [1] - 687:25

Schedule [2] - 644:17, 644:21
 scheduled [1] - 768:5
 school [1] - 716:9
 scientific [1] - 677:25
 screen [7] - 630:2, 630:7, 630:16,
 630:24, 643:21, 682:6, 683:8
 screening [1] - 654:21
 seal [2] - 739:19, 740:10
 SEALED [1] - 623:11
 sealed [10] - 739:14, 739:16, 739:18,
 739:20, 740:12, 741:1, 741:19, 742:5,
 742:6, 744:23
 sealing [1] - 740:3
 seaports [1] - 629:12
 search [5] - 640:16, 642:1, 642:3, 642:5,
 642:7
 searched [2] - 633:5, 633:12
 searches [1] - 640:11
 searching [2] - 641:24, 657:5
 seat [4] - 624:4, 703:4, 738:22, 745:4
 seated [6] - 626:17, 627:13, 645:2,
 703:8, 713:5, 745:8
 second [13] - 624:20, 639:20, 658:9,
 669:20, 671:20, 673:11, 674:4,
 674:19, 688:19, 738:21, 743:4,
 746:22, 767:2
 Secretariat [1] - 690:24
 Secretary [6] - 651:8, 652:6, 676:9,
 679:9, 703:18, 715:24
 secretary [16] - 676:2, 676:4, 676:9,
 676:10, 676:11, 676:12, 676:13,
 676:16, 676:18, 676:22, 678:20,
 748:14, 748:16
 Secretaría [1] - 641:16
 secured [2] - 642:19, 642:20
 security [34] - 646:11, 646:14, 649:24,
 650:4, 650:5, 650:7, 650:9, 650:13,
 651:16, 651:21, 652:5, 652:12,
 654:17, 655:4, 663:15, 676:2, 676:4,
 676:11, 676:19, 676:22, 677:24,
 678:20, 682:16, 688:14, 690:6, 690:7,
 690:13, 690:22, 690:25, 700:4,
 748:15, 748:16, 755:6
 Security [5] - 652:7, 703:19, 704:12,
 705:19, 715:24
 see [21] - 628:7, 630:5, 637:20, 664:17,
 666:7, 672:13, 675:4, 680:1, 682:8,
 689:4, 689:17, 711:9, 711:11, 711:13,
 718:20, 732:2, 743:3, 744:5, 747:11,
 766:4, 768:17
 seeing [1] - 739:8
 Seguridad [1] - 641:16
 seized [15] - 633:21, 634:3, 637:18,
 642:14, 643:24, 644:1, 644:3, 644:5,
 644:6, 644:9, 644:15, 644:19, 718:6,
 719:11, 719:19
 seizure [9] - 633:1, 633:18, 633:23,
 634:12, 636:13, 636:16, 636:18,
 642:13, 719:14
 seizures [1] - 684:8

sell [1] - 731:17
 selling [1] - 716:17
 semester [1] - 716:10
 send [3] - 633:2, 688:13, 698:4
 SENIOR [1] - 623:12
 senior [1] - 646:11
 sense [2] - 633:2, 707:4
 sensitive [2] - 632:14, 632:15
 sent [6] - 671:23, 682:15, 697:18, 698:8,
 752:14, 755:13
 sentence [5] - 714:2, 763:21, 764:19,
 764:21, 765:2
 sentenced [1] - 763:19
 sentencing [1] - 764:11
 Sergio [7] - 638:17, 638:23, 639:17,
 724:4, 724:8, 746:18, 762:2
 serve [1] - 715:2
 served [2] - 763:25, 764:1
 serves [3] - 725:7, 725:13, 752:21
 service [2] - 735:2
 services [1] - 716:25
 serving [1] - 714:2
 seven [2] - 767:18, 768:2
 several [14] - 660:16, 671:21, 686:17,
 733:18, 734:16, 741:9, 750:10,
 750:13, 757:11, 758:7, 758:12,
 759:12, 759:17, 760:15
 severed [1] - 696:20
 SHANNON [2] - 623:21, 623:22
 shaped [1] - 636:4
 share [2] - 674:10, 674:23
 shared [3] - 640:23, 641:2, 641:6
 sharing [1] - 658:18
 sheet [1] - 762:17
 shift [3] - 654:7, 658:4, 712:9
 ship [4] - 632:9, 637:1, 637:3, 643:25
 ships [2] - 629:19, 631:22
 shirts [1] - 738:6
 shoot [1] - 757:20
 Shopping [1] - 681:20
 short [1] - 739:12
 shot [1] - 653:19
 show [29] - 629:22, 630:3, 631:1, 631:5,
 634:22, 637:23, 639:7, 647:4, 647:22,
 648:11, 650:15, 652:21, 654:9, 677:3,
 678:6, 678:25, 679:22, 680:16, 682:2,
 683:6, 717:12, 722:17, 723:10,
 723:15, 723:23, 724:5, 724:13, 739:1,
 739:2
 showed [2] - 657:18, 765:12
 showing [4] - 625:23, 630:11, 630:12,
 651:23
 shows [1] - 691:21
 shutting [1] - 739:6
 sibling [1] - 709:3
 sic [1] - 746:20
 side [6] - 634:18, 697:10, 746:3, 753:12,
 753:17, 754:24
 sidebar [18] - 659:1, 660:1, 660:25,

666:20, 666:21, 667:1, 667:14,
669:21, 669:24, 670:1, 673:21,
739:15, 739:16, 739:17, 740:1, 742:9,
744:1, 744:25
Sidebar [3] - 659:4, 666:25, 669:25
signed [1] - 666:4
significance [2] - 655:24, 681:2
significant [1] - 760:16
signs [1] - 759:10
simply [1] - 624:13
sin [3] - 690:18, 690:19, 690:21
Sinaloa [47] - 660:7, 669:12, 673:2,
710:3, 714:5, 714:8, 714:11, 714:17,
715:2, 716:1, 717:1, 717:20, 721:25,
722:11, 722:21, 724:9, 725:8, 725:22,
725:25, 726:3, 726:15, 727:19, 729:5,
730:7, 731:23, 732:21, 733:20, 734:3,
736:1, 736:24, 737:4, 737:7, 745:24,
746:4, 746:13, 749:6, 749:22, 750:3,
750:8, 752:16, 757:2, 757:10, 757:15,
758:1, 758:20, 759:22, 760:3
single [3] - 636:17, 637:7, 642:12
sit [2] - 627:11, 666:2
site [2] - 631:21, 633:9
sitting [4] - 625:5, 626:2, 668:15,
685:20
situation [1] - 742:3
six [2] - 686:2, 686:20
size [1] - 652:17
sketch [4] - 740:6, 740:8, 741:16, 743:3
SKETCH [6] - 744:2, 744:4, 744:9,
744:11, 744:15, 744:22
sketches [2] - 744:2, 744:4
slowly [1] - 643:19
small [3] - 664:16, 715:4, 728:5
social [1] - 676:23
sold [2] - 718:4, 719:16
someone [16] - 638:17, 701:12, 703:25,
707:12, 715:20, 723:9, 723:20, 724:2,
724:10, 724:24, 725:5, 725:14,
730:23, 731:25, 757:13
sometimes [5] - 668:20, 687:24, 733:22,
733:23, 737:21
Sometimes [1] - 658:23
somewhere [3] - 642:23, 642:24, 698:5
sorry [14] - 630:16, 634:10, 635:13,
662:4, 685:23, 686:5, 692:8, 698:10,
704:19, 706:24, 729:18, 744:3,
746:25, 758:17
sort [15] - 647:19, 655:8, 668:20,
682:22, 683:12, 683:14, 684:3,
688:20, 689:4, 700:12, 703:16,
704:14, 704:25, 705:22, 706:14
sound [2] - 686:6, 686:8
sounds [1] - 748:8
source [6] - 733:24, 735:5, 735:20,
736:21, 746:6, 748:25
South [1] - 656:12
southern [1] - 681:14
spaces [2] - 734:25, 737:15

Spanish [1] - 732:16
Special [1] - 644:7
special [32] - 641:7, 644:12, 657:23,
657:25, 658:3, 658:6, 658:8, 658:13,
658:17, 658:20, 658:21, 660:5,
660:13, 660:22, 661:4, 662:7, 662:16,
662:25, 663:5, 666:18, 667:5, 668:6,
668:8, 668:17, 668:22, 669:9, 669:13,
670:20, 674:5, 675:3, 683:1, 710:21
specialist [3] - 628:20, 628:24, 646:11
specific [4] - 641:1, 671:5, 671:7
specifically [6] - 644:1, 650:8, 660:17,
661:6, 670:25, 718:13
specified [3] - 729:17, 729:20, 729:21
speech [1] - 747:22
speeches [2] - 691:18, 692:11
spell [3] - 627:16, 645:5, 713:8
spend [1] - 736:12
spent [1] - 649:14
split [3] - 672:2, 672:4, 752:22
sports [1] - 663:6
spot [1] - 720:8
spreadsheet [1] - 727:12
spreadsheets [1] - 747:9
SSP [1] - 641:7
stack [1] - 629:19
stacked [2] - 636:1, 637:6
staff [1] - 697:21
stamped [1] - 741:5
stand [4] - 643:11, 712:25, 745:3, 768:8
standby [10] - 655:20, 655:23, 656:2,
656:5, 656:7, 656:14, 660:5, 660:6,
661:6, 662:8
standing [2] - 641:3, 697:25
start [13] - 631:19, 636:11, 649:4,
650:11, 654:8, 688:17, 716:13, 717:4,
722:18, 734:4, 751:25, 765:20, 766:2
started [24] - 635:7, 636:20, 651:17,
657:23, 684:23, 689:4, 716:12, 717:1,
717:21, 725:21, 725:25, 726:5, 727:8,
727:23, 750:3, 752:4, 752:21, 753:6,
753:7, 753:8, 753:10, 754:23, 755:3
starting [2] - 653:13, 752:7
state [17] - 627:14, 628:14, 645:3,
662:12, 713:6, 715:15, 720:11,
720:17, 720:19, 731:1, 746:1, 748:10,
748:11, 748:15, 748:17, 749:15,
749:18
State [2] - 664:14, 720:13
statement [6] - 660:10, 671:8, 671:25,
672:24, 732:11, 732:14
statements [5] - 671:6, 672:8, 672:21,
672:23, 673:15
Statements [1] - 672:9
states [1] - 713:23
STATES [3] - 623:1, 623:3, 623:12
States [10] - 623:5, 623:15, 623:19,
629:5, 656:12, 728:12, 738:13,
750:25, 752:14, 762:20
stating [1] - 666:17

statue [1] - 680:12
stay [1] - 656:16
steal [1] - 733:7
stenography [1] - 623:25
step [3] - 643:10, 712:20, 726:24
steps [4] - 633:17, 712:21, 738:23,
766:9
stick [1] - 766:1
still [8] - 626:7, 626:25, 636:18, 675:19,
703:21, 731:8, 743:9, 759:10
stipulation [2] - 643:15, 643:16
stop [2] - 705:22, 730:15
stopped [1] - 731:4
stories [1] - 734:24
strange [4] - 684:23, 685:13, 705:25,
711:12
straw [6] - 732:7, 732:15, 732:20,
732:22, 732:25, 733:15
street [1] - 718:24
strike [1] - 661:10
stronghold [1] - 697:18
structure [1] - 676:18
structured [1] - 677:21
studied [2] - 690:5, 691:11
stuff [1] - 671:2
stutters [1] - 747:24
subject [3] - 624:12, 644:13, 673:8
subletting [1] - 716:17
substance [6] - 644:5, 644:6, 644:15,
644:17, 644:19, 644:21
substantially [1] - 644:8
suggest [4] - 706:18, 706:21, 707:2,
707:6
suggesting [2] - 707:7, 707:9
suitcase [7] - 660:6, 668:25, 669:4,
669:5, 669:11, 673:2, 673:6
suitcases [5] - 669:3, 669:9, 669:14,
674:9, 674:11
Sunday [1] - 736:16
super [1] - 757:19
superiors [3] - 695:8, 695:12, 696:4
supervised [1] - 629:23
supervision [2] - 629:12, 717:24
supplied [1] - 640:10
support [3] - 628:13, 629:1, 733:4
supporting [2] - 628:25, 629:1
supposed [2] - 656:14, 735:12
supposedly [3] - 752:4, 752:5, 752:10
surprised [5] - 665:11, 665:12, 675:15,
697:20, 711:16
surprising [1] - 697:17
surveillance [2] - 652:12, 654:17
suspicion [1] - 640:20
suspicious [1] - 705:22
Sustained [11] - 658:25, 661:18, 662:6,
662:24, 690:16, 695:4, 712:19, 716:5
sustained [1] - 660:9
SUVs [1] - 728:13
swap [2] - 754:6, 754:7

swapped [1] - 754:18
switch [1] - 688:19
switched [1] - 754:17
sworn [3] - 627:12, 645:1, 713:2
sworn/affirmed [4] - 627:9, 628:3, 646:3, 713:12
synthesizing [1] - 672:10
systematically [1] - 697:4

T

table [1] - 685:20
tactic [1] - 648:24
tally [1] - 641:25
tanker [1] - 728:5
tarmac [1] - 654:23
Tartamudeo [2] - 747:19, 748:1
taught [1] - 649:16
taxes [2] - 730:13, 730:20
team [2] - 625:19, 699:22
technical [1] - 634:25
technically [1] - 751:2
television [1] - 691:21
Ten [1] - 713:21
ten [4] - 646:16, 758:17, 764:1, 765:22
Tenextepango [1] - 720:9
term [1] - 706:2
Terminal [4] - 653:15, 653:19, 653:21, 653:23
terminals [2] - 652:14, 652:16
terms [1] - 666:12
testified [18] - 627:9, 628:3, 640:4, 646:3, 657:6, 662:16, 663:14, 671:14, 674:3, 690:12, 693:24, 698:18, 698:25, 704:16, 705:24, 707:12, 713:13, 763:16
testify [5] - 644:13, 644:18, 660:5, 764:11
testifying [4] - 712:16, 741:3, 764:4
testimony [4] - 686:18, 694:18, 704:15, 706:11
Testing [2] - 644:8, 644:12
tests [3] - 693:5, 693:11, 694:19
Texas [1] - 763:11
THE [204] - 623:12, 624:3, 624:4, 624:20, 625:7, 625:12, 625:14, 625:17, 626:3, 626:7, 626:11, 626:17, 626:19, 626:20, 627:6, 627:10, 627:13, 627:15, 627:16, 627:18, 627:19, 627:20, 628:7, 628:8, 628:15, 629:9, 630:17, 630:21, 631:16, 635:2, 635:21, 638:11, 639:15, 639:22, 643:6, 643:9, 643:10, 643:12, 643:16, 643:19, 643:22, 644:25, 645:2, 645:4, 645:5, 645:7, 645:8, 645:9, 647:13, 648:7, 648:21, 651:5, 653:10, 654:16, 655:6, 658:25, 659:2, 660:3, 660:9, 660:15, 660:18, 660:24, 661:11, 661:18, 661:23, 662:3, 662:6, 662:12, 662:20, 662:24, 663:9, 665:18,

665:21, 665:23, 665:25, 666:1, 666:11, 666:20, 667:2, 667:9, 667:12, 668:3, 668:14, 668:24, 669:16, 669:20, 669:24, 670:6, 670:8, 670:10, 670:12, 670:17, 670:19, 671:11, 671:18, 672:6, 672:25, 673:4, 673:14, 674:19, 674:21, 676:21, 677:16, 678:16, 679:12, 680:8, 681:10, 685:4, 690:16, 692:4, 692:9, 692:20, 692:25, 693:21, 695:4, 698:10, 698:13, 698:16, 699:12, 699:14, 699:17, 702:7, 702:10, 702:12, 703:3, 703:6, 703:8, 707:5, 708:13, 709:11, 709:14, 711:23, 712:15, 712:19, 712:22, 713:1, 713:4, 713:5, 713:7, 713:8, 713:10, 716:5, 720:5, 720:7, 720:18, 724:20, 726:13, 726:14, 729:20, 736:4, 736:5, 738:9, 738:15, 738:18, 738:20, 738:24, 739:13, 739:16, 739:22, 740:2, 740:10, 741:20, 741:22, 742:8, 743:2, 743:7, 743:9, 744:2, 744:3, 744:4, 744:6, 744:9, 744:10, 744:11, 744:12, 744:15, 744:16, 744:21, 744:22, 744:23, 745:2, 745:4, 745:6, 745:8, 745:9, 746:22, 747:1, 747:3, 755:2, 755:14, 765:20, 765:22, 766:6, 766:8, 766:10, 766:16, 766:19, 766:24, 767:1, 767:7, 767:22, 768:10, 768:14, 768:16
thee [1] - 631:22
themselves [4] - 664:6, 717:22, 718:9, 721:9
theory [1] - 672:6
They've [2] - 660:22, 670:21
threat [1] - 655:4
three [4] - 650:2, 672:15, 696:8, 758:15
throughout [1] - 634:1
Thursday [3] - 768:5, 768:9, 768:12
tie [1] - 660:18
tied [1] - 759:20
Tijuana [2] - 632:4, 664:12
timeframe [1] - 642:23
tip [3] - 632:4, 632:10, 638:25
tired [3] - 684:24, 685:10, 685:13
Tirso [1] - 725:14
today [3] - 687:7, 712:17, 766:21
together [5] - 658:18, 693:14, 709:6, 753:14, 761:14
Toluca [2] - 664:21, 665:6
tomorrow [9] - 765:20, 766:5, 766:15, 767:18, 767:19, 767:25, 768:2, 768:13, 768:17
tonight [1] - 766:15
tons [5] - 633:15, 636:17, 641:25, 727:25, 728:1
took [6] - 634:17, 637:15, 720:24, 755:4, 765:12
top [6] - 636:2, 641:19, 641:21, 647:2, 705:16, 705:18
topic [2] - 694:10, 739:12

torture [2] - 758:6, 759:11
tortured [5] - 741:11, 758:19, 758:25, 759:6, 759:21
torturing [2] - 758:8, 759:3
total [1] - 716:19
totally [1] - 625:24
tourism [1] - 676:11
towards [1] - 678:24
tower [2] - 681:1, 681:2
town [1] - 679:16
track [1] - 715:11
traditional [2] - 689:22, 689:25
traffic [2] - 655:7, 750:9
trafficker [1] - 762:12
traffickers [1] - 753:23
trafficking [18] - 655:15, 677:24, 722:5, 727:19, 727:23, 728:15, 734:1, 735:7, 735:21, 736:22, 745:17, 746:7, 746:20, 747:5, 749:1, 749:9, 762:19, 763:4
training [4] - 649:17, 656:4, 690:4, 704:5
trampled [1] - 649:17
transcript [2] - 623:25, 742:6
TRANSCRIPT [1] - 623:11
transcription [1] - 623:25
transcripts [1] - 624:9
transfer [3] - 710:16, 765:3, 765:7
transferred [7] - 682:17, 683:2, 697:21, 710:22, 712:6, 765:13, 765:16
transit [1] - 654:20
translation [4] - 662:13, 669:23, 670:16, 738:11
transport [2] - 766:15, 766:22
travel [1] - 762:22
traveled [1] - 763:3
Traveling [1] - 713:23
treated [1] - 662:25
trial [3] - 624:15, 739:4, 765:14
TRIAL [1] - 623:11
tried [1] - 761:13
trouble [2] - 657:20, 711:14
trucks [3] - 728:5, 728:13
true [3] - 641:6, 642:4, 767:8
trust [1] - 744:6
trusted [1] - 733:7
truth [1] - 764:14
try [8] - 629:9, 658:21, 691:5, 692:22, 694:16, 705:3, 706:18, 739:22
Try [1] - 660:3
turn [4] - 642:18, 716:8, 736:15, 753:24
turned [2] - 642:15, 752:23
Twelve [1] - 682:13
twelve [1] - 734:6
twenty [1] - 734:25
twice [2] - 656:6, 675:5
two [24] - 625:15, 633:19, 634:13, 634:18, 643:18, 643:25, 652:16, 657:15, 658:5, 664:9, 667:10, 668:12,

All Word // 1/31/2023 USA v Garcia Luna 20

<p>675:5, 698:22, 719:15, 734:24, 736:7, 736:8, 741:14, 741:25, 766:11</p> <p>Two [1] - 667:9</p> <p>type [6] - 655:13, 665:2, 681:17, 682:24, 719:3, 727:6</p> <p>types [1] - 757:6</p> <p>typical [2] - 636:12, 654:7</p> <p>typically [2] - 657:14, 738:5</p>	<p>Valdez [3] - 723:22, 724:1, 762:7</p> <p>Valencia [3] - 722:15, 725:5, 725:12</p> <p>VALERIE [1] - 623:21</p> <p>value [7] - 730:4, 730:5, 730:8, 730:12, 730:19, 730:20</p> <p>vans [1] - 719:3</p> <p>various [1] - 649:24</p> <p>Varsovia [2] - 678:24, 679:5</p> <p>vehicle [2] - 718:4, 718:5</p> <p>vehicles [2] - 719:2, 719:3</p> <p>Venezuela [3] - 725:2, 728:7, 749:10</p> <p>verse [1] - 626:6</p> <p>vests [2] - 718:22, 719:1</p> <p>via [1] - 632:9</p> <p>video [1] - 760:2</p> <p>view [2] - 631:25, 637:8</p> <p>viewing [1] - 765:25</p> <p>views [1] - 624:12</p> <p>Villa [37] - 715:1, 715:9, 717:4, 717:8, 717:16, 721:2, 721:12, 721:19, 721:22, 721:24, 722:2, 722:7, 722:9, 725:21, 726:5, 727:8, 727:19, 727:23, 728:4, 729:6, 733:1, 736:11, 745:14, 746:12, 748:5, 748:6, 750:6, 753:11, 754:4, 754:9, 755:20, 756:11, 759:4, 760:9, 760:23, 760:25</p> <p>Villarreal [10] - 638:18, 638:23, 639:17, 723:22, 724:1, 724:4, 724:8, 746:18, 762:2, 762:8</p> <p>Villas [11] - 714:19, 714:22, 720:22, 721:4, 722:10, 727:4, 753:20, 754:20, 755:7, 756:20, 761:1</p> <p>Villatora [1] - 663:25</p> <p>Villatoro [9] - 651:18, 651:19, 663:14, 663:18, 664:7, 665:9, 665:14, 705:8, 705:11</p> <p>Villatoro's [2] - 663:19, 664:22</p> <p>violence [9] - 682:23, 682:24, 687:20, 687:22, 696:11, 696:15, 698:9, 757:3, 757:6</p> <p>violent [3] - 696:9, 696:23, 697:19</p> <p>vis-à-vis [1] - 665:14</p> <p>visit [4] - 664:8, 699:3, 699:6, 699:7</p> <p>visited [1] - 664:10</p> <p>visiting [1] - 663:25</p> <p>voluntarily [2] - 687:12, 708:21</p> <p>volunteer [1] - 764:11</p> <p>voting [1] - 717:24</p>	<p>warranted [1] - 636:16</p> <p>watches [1] - 675:15</p> <p>water [2] - 720:25</p> <p>ways [2] - 731:18, 749:4</p> <p>wealth [3] - 663:5, 675:9, 675:12</p> <p>weapon [3] - 655:9, 684:4, 757:15</p> <p>weapons [2] - 684:17, 718:23</p> <p>wear [2] - 634:17, 675:12</p> <p>wearing [1] - 648:23</p> <p>week [3] - 653:24, 656:6, 767:6</p> <p>weekend [2] - 733:17, 736:17</p> <p>weekly [1] - 728:2</p> <p>weeks [2] - 664:9, 675:5</p> <p>weird [2] - 655:18, 656:19</p> <p>white [2] - 727:20, 743:9</p> <p>whole [1] - 636:14</p> <p>withdrawn [9] - 693:23, 695:6, 695:19, 701:11, 704:24, 707:15, 707:23, 717:7, 765:16</p> <p>Witness [5] - 641:20, 643:11, 738:23, 745:3, 766:9</p> <p>WITNESS [12] - 627:15, 627:18, 628:8, 643:9, 645:4, 645:7, 692:25, 713:4, 713:7, 713:10, 726:14, 769:3</p> <p>witness [52] - 625:1, 625:7, 627:3, 627:8, 627:12, 628:2, 645:1, 646:2, 647:4, 647:22, 648:12, 650:15, 651:23, 652:21, 660:2, 660:4, 660:21, 666:17, 670:22, 672:7, 673:16, 677:3, 678:6, 678:25, 679:22, 680:16, 692:20, 712:21, 712:22, 712:25, 713:2, 713:11, 724:15, 738:20, 739:12, 740:5, 740:7, 741:2, 741:11, 741:18, 741:23, 742:3, 745:2, 745:3, 766:8, 766:12, 766:17, 767:25, 768:5, 768:8, 768:12</p> <p>witness' [1] - 739:2</p> <p>witness's [1] - 740:4</p> <p>witnesses [7] - 624:9, 767:5, 767:10, 767:17, 767:18, 767:21, 768:2</p> <p>word [1] - 729:18</p> <p>words [1] - 748:1</p> <p>wore [3] - 663:11, 675:14, 718:22</p> <p>workers [2] - 715:16, 729:11</p> <p>works [3] - 624:25, 721:21, 722:2</p> <p>world [2] - 636:18, 642:13</p> <p>worry [3] - 691:6, 720:1, 720:23</p> <p>wrists [1] - 759:19</p> <p>written [1] - 624:8</p>
<p>U</p>	<p>U.S [17] - 642:11, 665:7, 728:19, 728:21, 733:22, 733:24, 735:4, 735:5, 735:19, 736:20, 748:24, 751:2, 759:1, 762:22, 763:3, 763:8, 763:14</p> <p>ultimately [3] - 637:17, 640:19, 752:12</p> <p>un-private [1] - 726:22</p> <p>uncommon [1] - 696:20</p> <p>uncontroversial [1] - 695:5</p> <p>Under [1] - 676:2</p> <p>under [12] - 629:12, 629:13, 641:4, 641:7, 663:15, 676:1, 677:1, 691:24, 730:14, 733:10, 741:3, 741:4</p> <p>undergo [1] - 694:19</p> <p>understood [7] - 690:1, 692:17, 693:1, 696:22, 697:2, 697:11, 697:13</p> <p>underwent [1] - 690:3</p> <p>undo [1] - 744:16</p> <p>unfair [2] - 697:22, 712:5</p> <p>unidentified [1] - 660:12</p> <p>uniform [1] - 648:24</p> <p>uniforms [3] - 647:21, 689:8, 719:1</p> <p>unit [10] - 641:1, 641:3, 641:7, 683:4, 688:7, 688:17, 750:18, 750:23, 751:3, 751:4</p> <p>UNITED [3] - 623:1, 623:3, 623:12</p> <p>united [1] - 726:4</p> <p>United [9] - 623:5, 623:15, 623:19, 656:12, 728:11, 738:13, 750:25, 752:14, 762:19</p> <p>unload [3] - 751:16, 751:18, 751:20</p> <p>unloaded [1] - 637:9</p> <p>unloading [1] - 635:7</p> <p>up [30] - 624:15, 629:7, 630:23, 636:11, 636:13, 637:25, 641:24, 643:20, 654:9, 665:8, 666:3, 672:5, 689:23, 690:1, 698:19, 703:9, 706:7, 731:10, 734:12, 742:1, 743:4, 751:4, 752:22, 758:24, 759:20, 760:24, 761:4, 765:12, 766:21, 767:15</p> <p>ups [5] - 655:21, 656:1, 662:10, 706:3, 706:15</p> <p>upset [5] - 701:16, 711:3, 711:6, 711:9</p> <p>US [1] - 726:13</p> <p>USA [2] - 726:12, 726:14</p> <p>usual [1] - 709:3</p>	<p>W</p>
<p>V</p>	<p>Vaca [5] - 748:18, 748:20, 749:2, 749:5</p>	<p>Y</p>
	<p>wait [3] - 630:16, 654:10, 669:5</p> <p>waited [1] - 654:23</p> <p>waiting [2] - 629:11, 654:22</p> <p>walk [1] - 718:25</p> <p>walking [3] - 664:24, 672:11, 718:24</p> <p>wants [1] - 700:12</p> <p>war [5] - 723:4, 723:5, 724:11, 724:12, 753:6</p> <p>warehouses [3] - 715:5, 715:17, 762:18</p>	<p>yard [1] - 734:24</p> <p>yards [1] - 737:16</p> <p>year [12] - 649:4, 649:5, 650:11, 705:12, 714:15, 718:10, 719:20, 725:19, 753:1, 753:3, 762:9, 762:24</p> <p>years [15] - 628:17, 646:16, 646:20, 646:21, 649:3, 649:4, 650:2, 700:8, 700:22, 713:21, 714:7, 716:19,</p>

763:23, 763:24, 764:1
yes-or-no [2] - 692:21, 700:9
yesterday [4] - 767:4, 767:11, 767:13
YORK [1] - 623:1
York [5] - 623:6, 623:16, 623:17,
 728:10, 765:1
young [4] - 699:24, 700:1, 700:4, 701:25
Younger [1] - 708:7
younger [4] - 689:19, 708:6, 708:8,
 709:4
yourself [1] - 698:16
Yup [1] - 682:6

Z

Zambada [20] - 671:22, 722:13, 722:14,
 722:20, 723:2, 723:6, 723:7, 725:23,
 725:24, 746:16, 747:12, 750:5,
 753:15, 753:21, 753:24, 754:16,
 754:17, 754:21, 756:17
Zambada's [1] - 754:3
Zambadas [2] - 726:1, 752:17
Zetas [6] - 684:6, 695:9, 696:6, 696:17,
 723:5, 724:12
Zetas's [1] - 697:18
zoomed [1] - 630:11